

## DOCUMENT RESUME

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Probation and Parole Activities Need to Be Better Managed.  
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Probation and parole were designed to protect the community by reducing the incidence of criminal acts by previously convicted persons. As of June 30, 1976, about 92,000 offenders were in Federal corrections programs; about 64,000 of these offenders were on probation or parole. A review was conducted of the operations of five probation districts--California Central, Georgia Northern, Illinois Northern, Washington, D.C., and Washington Western--to evaluate how the system was providing supervision and rehabilitation services. A sample of both open and closed probation and parole cases was reviewed. Findings/Conclusions: In the closed cases, about half of all offenders removed from supervision either had their probation or parole revoked, had absconded, were convicted of new crimes, or were awaiting trial. In the open cases, a similar trend was developing; however, the final results were not available. The high percentage of offenders convicted of new crimes while under supervision indicates problems either in the selection of offenders to be placed on probation or parole or in the programs for supervising and rehabilitating them, or both. Although probation officer contacts with offenders have increased somewhat, probation officers are not meeting minimum standards established by the Administrative Office of the U.S. Courts. Studies have shown that professional treatment of medical, vocational, family, and other problems can help probationers and parolees to move out of the criminal justice system. Federal supervision programs are not providing enough professional treatment, and rehabilitation services often are not available in the community from public service organizations or Government programs. Recommendations: The Administrative Office, in cooperation with the Parole Commission and probation officers, should review the present level of supervisory contacts. Definitive guidelines should be issued to probation officers on what parole violations constitute sufficient grounds for the Commission to issue a warrant. The processing time required to issue warrants should be reduced, and the

warrantless search and seizure needs of probation officers should be reviewed. District probation offices should improve their rehabilitation programs by: preparing rehabilitation plans which translate identified needs into short- and long-term treatment goals for each offender, referring offenders to needed services, and following up to see that offenders receive needed services. The Administrative Office should: evaluate probation district offices routinely for program implementation, effectiveness, and shortcomings; provide written reports to the Judicial Conference and the district chief probation officers of the results of evaluation efforts; and followup to insure that corrections are made. (Author/SW)

# REPORT TO THE CONGRESS

BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES

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## Probation And Parole Activities Need To Be Better Managed

The Federal Probation System does not provide adequate supervision and rehabilitation treatment for offenders.

--About half of all offenders released on probation or parole at the five probation districts reviewed either (1) had their probation or parole revoked, (2) absconded, (3) were convicted of new crimes, or (4) were awaiting trial.

--Offenders were neither being contacted frequently by probation officers nor receiving needed rehabilitation treatment.

The Administrative Office of the U.S. Courts has not adequately managed or monitored probation activities. To improve the system, (1) more emphasis should be placed on supervising and rehabilitating offenders and (2) district probation offices should be more efficiently monitored and evaluated.



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

D-133223

To the President of the Senate and the  
Speaker of the House of Representatives

This report describes shortcomings in the operation and administration of the Federal Probation System. The report shows that the Federal Probation System is not adequately providing supervision and rehabilitation treatment to probationers and parolees. If supervision and rehabilitation efforts are to become more effective, the Administrative Office of the U.S. Courts must begin to adequately manage and monitor probation activities. In addition, more assistance and guidance is needed from the U.S. Parole Commission if Federal probation officers are to effectively carry out their responsibilities in supervising parolees. We suggest ways in which the judicial branch as well as the executive branch can improve the Government's efforts.

We made our review pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 67) and the December 1968 agreement between the Director, Administrative Office of the U.S. Courts, and the Comptroller General provided for in the September 1968 resolution of the Judicial Conference of the United States.

Copies are being sent to the Director, Office of Management and Budget, and to the heads of the departments and agencies discussed in this report.

A handwritten signature in black ink, reading "Thomas A. Steeds".

Comptroller General  
of the United States

D I G E S T

About half of the people convicted of Federal crimes and released on probation or parole in five probation districts reviewed were revoked, were convicted of new crimes, were awaiting trial, or had absconded. Neither the Federal Probation System nor its administration by the Administrative Office of the U.S. Courts is adequate.

While probationers and parolees who stay out of trouble justify their releases, those who backslide point out the inadequacy of supervision and rehabilitative activities. Because statistics on whether probationers and parolees adjust back into society--the scorecard of probation officers' achievement--are not kept, GAO sampled both open and closed probation and parole cases in five Federal probation districts: California Central, Washington, D.C; Georgia Northern, Illinois Northern, and Washington Western.

PROBATIONERS' AND PAROLEES'  
SUPERVISION PROBLEMS

Both the courts and the United States Parole Commission assign general and special conditions to which an offender must agree to be released. General conditions, which apply to all offenders, include not violating any laws, maintaining regular employment, having no firearms, and maintaining contact with probation officers. Special conditions may require that probationers and parolees participate in drug, alcohol, or mental health treatment programs or, in the case of probationers, pay fines or make restitution.

An offender's release can be revoked if conditions are not met. A person violating some general conditions (committing additional

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crimes or carrying firearms) is subject to immediate arrest.

Standards on supervisory contacts not observed

A probation officer, assigned to supervise each probationer and parolee, must maintain personal contact with the offender and his family, friends, and associates. These contacts inform the probation officer of an offender's activities, and thereby help the officer spot problems that could pose a threat to the community.

The Administrative Office of the U.S. Courts and the U.S. Parole Commission require that probation officers personally visit offenders. Depending on the risk offenders pose to the community, visits may be made from once every 3 months to three times each month.

For the average active cases, only minimum risk offenders were being contacted as frequently as called for by the standards--four times a year. Principal reasons for the limited contact with higher risk offenders were:

- At some probation offices other duties, such as making presentence investigations, prevented more contact.
- Other offices had established their own standards which required less frequent contact. (See ch. 3.)

Parole Commission policies handicap probation officers' supervision of parolees

Although the U.S. Parole Commission is ultimately responsible for parolees, probation officers are responsible for supervising them. However, probation officers have difficulty doing this because the Parole Commission has:

--Often delayed issuing requested arrest warrants, causing (1) probation officers to have a "who cares" attitude and to not always report violations or request warrants promptly and (2) offenders to remain at large and sometimes commit additional crimes.

--Not effectively dealt with the problem of warrantless searches and seizures which confronts probation officers.  
(See ch. 4.)

### Supervision programs not providing for rehabilitation

Studies show that professional treatment (medical, vocational, etc.) can help probationers and parolees move out of the criminal justice system. Federal supervision programs are not providing enough professional treatment, and some probation officers were not spending the time necessary to plan for offenders to receive needed professional help. They should.

Rehabilitation services often were not available in the community from public service organizations or Government programs. Each probation district should know about and use services that are available and provide those that are not. (See ch. 5.)

### SUPERVISION PROBLEMS MUST BE DEALT WITH

Problems in supervising probationers and parolees are not new--GAO's review included cases closed as far back as January 1973. Although the Administrative Office of the U.S. Courts is generally aware of the problems, it has not reacted satisfactorily. This may have been due to

--a lack of data on the seriousness of the problems and

--the Administrative Office of the U.S. Courts not having full management control over the supervision program.

GAO makes various recommendations to the Judicial Conference, Administrative Office of the U.S. Courts, and to the Parole Commission designed to improve the Federal Probation System.

These recommendations are contained in chapters 3 through 6 and point out the need to identify and implement ways to improve supervision and rehabilitation treatment programs and the overall management of the system, including establishing goals and an adequate reporting system.

#### AGENCY COMMENTS

The Administrative Office of the U.S. Courts shares GAO's concern with the deficiencies found in providing services to offenders and in the management and direction provided to district probation offices. The Administrative Office agrees that the Probation System's effectiveness can be improved. The Administrative Office's planned and proposed actions to improve supervision, rehabilitation, and management are discussed in chapter 7 and are contained in appendix II.

The U.S. Parole Commission agrees that (1) supervision guidelines should be re-evaluated and (2) a thorough study should be made to assess whether search and seizure authority should be given to probation officers. The Commission also recently developed and adopted a set of guidelines for warrant issuance. (See ch. 7 and app. III.)

The Department of Justice generally agrees with the report's findings and recommendations, especially the recommendations to increase emphasis on the rehabilitation and supervision of persons released from Federal prisons; to establish standardized



procedures and specific definitions of responsibility where multiple agencies are involved; and to arrange cooperative meetings between the U.S. Parole Commission, the Judicial Conference, and the Administrative Office of the U.S. Courts to improve management techniques. (See ch. 7 and app. IV.)

The Administrative Office and the U.S. Parole Commission were concerned over the success-failure statistics developed by GAO since these statistics might be construed as reflecting the overall success-failure rates of the Probation System. GAO's success-failure rates were only intended to provide insight into how well the system was functioning and to identify areas needing improvement. The need for improvement was clearly demonstrated by the results of GAO's work, a conclusion both agencies endorsed by their substantive actions taken on GAO's recommendations. (See ch. 7 and apps. II and III.)

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ABBREVIATIONS

CUSPO	Chief U.S. Probation Officer
GAO	General Accounting Office
PSI	presentence investigation

## CHAPTER 1

### INTRODUCTION

Probation and parole were designed to protect the community by reducing the incidence of criminal acts by previously convicted persons. Probation permits a convicted offender to remain in the community instead of being institutionalized. Probation is a correctional approach to the offender, as opposed to the purely punitive approach. It was designed to maintain the unity of society by holding families together and strengthening the individual's concept of social responsibility and attempts to bring all of the community resources to bear on the offender's problem. Parole returns an institutionalized offender to the community under certain conditions before completion of his or her sentence. As of June 30, 1976, about 92,000 offenders were in Federal corrections programs; about 64,000 of these offenders were on probation or parole.

Our review was directed at determining how well the Federal Probation System was working. We reviewed the operations of five probation districts--California Central, Georgia Northern, Illinois Northern, Washington, D.C., and Washington Western--to evaluate how the System was providing supervision and rehabilitation services. These five districts contained 17 percent of all offenders on probation and parole during fiscal year 1976. In addition, we sent questionnaires to chief judges and chief probation officers at 91 U.S. district courts and to 226 probation officers. (Ch. 8 discusses the scope of our work in more detail.)

### FEDERAL PROBATION SYSTEM

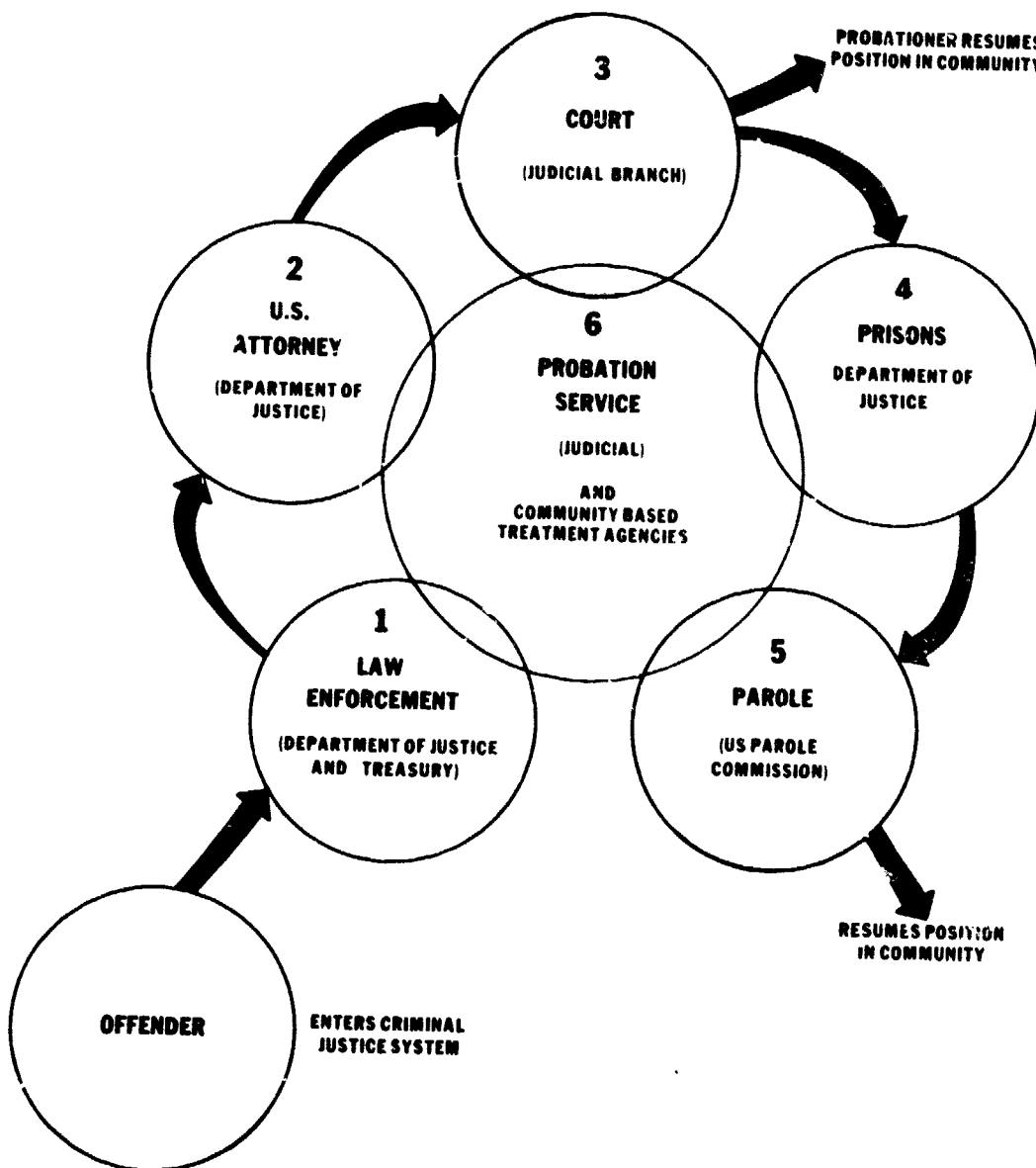
The Federal Probation System, established in 1925, consists of 91 probation offices under the overall administrative direction of the Administrative Office of the U.S. Courts. Chief U.S. Probation Officers (CUSPOs) provide day-to-day operational direction for each of the district probation offices. The Federal Probation System also serves the U.S. Parole Commission and the Bureau of Prisons but has no direct organizational affiliation with them.

The Federal Probation System, according to the Administrative Office, does not exist as an independent system solely responsible for the success or failure of the offenders that come into contact with it. The Administrative Office is quick to point out that offenders come into the system as failures having been convicted of criminal violations. They

bring with them a varying degree of social problems and it is not surprising that many of them experience further difficulty while in the system or after having left it.

As shown below, the Federal Probation System employees' duties require coordination with many organizations.

### FEDERAL CRIMINAL JUSTICE SYSTEM



The key to successful probation and parole is effective supervision which will protect society while rehabilitating offenders. Probation officers give this supervision by counseling, guiding, and referring offenders to rehabilitative service agencies. These officers also prepare presentence investigation (PSI) reports on persons convicted of Federal offenses to provide the courts information on the character and personality of these individuals as well as on their problems and needs. These reports assist judges in sentencing, probation officers in supervising, and institutions in developing rehabilitation treatment plans. (See app. II for detailed information on the workload of the Federal Probation System during fiscal years 1971 to 1976.)

#### JUDICIAL CONFERENCE OF THE UNITED STATES

The Judicial Conference of the United States establishes the administrative policies of the Federal judicial system. The Conference customarily meets semiannually to set policy and review court operations including those of the Probation System. Its membership consists of the Chief Justice of the U.S. Supreme Court, the chief judge of each circuit court, the chief judge of the Court of Claims, the chief judge of the Court of Customs and Patent Appeals, and a district judge from each district elected by the circuit and its district judges.

#### ADMINISTRATIVE OFFICE OF THE U.S. COURTS

The Supreme Court of the United States appoints the director and a deputy director who head the Administrative Office of the U.S. Courts. The director is the administrative officer of all U.S. courts except the Supreme Court.

Under the direction of the Judicial Conference, the director is required to

- evaluate and submit reports on probation officers' work,
- prescribe record forms and statistics to be kept by probation officers, and
- formulate rules for and promote the efficient administration of the Probation System.

The Probation Division of the Administrative Office is responsible primarily for providing direction to and evaluating the operations of the Federal Probation System.

## U.S. DISTRICT COURTS

There are 89 district courts in the 50 States and 1 each in the District of Columbia and the Commonwealth of Puerto Rico. Each State has at least one district court and as many as four. Each district court has a chief judge, clerk, magistrate, bankruptcy judge, CUSPO, and support staff.

The district judges have direct control over the CUSPOs. CUSPOs, however, manage day-to-day probation operations and are required to

- establish policies and procedures concerning the overall work of the probation office,
- handle investigative work for the courts and supervise probationers and parolees,
- make reports on administrative expenses and supplies,
- establish and direct inservice training, and
- develop liasion with community service groups.

## U.S. PAROLE COMMISSION

The U.S. Parole Commission consists of nine members appointed by the President with the advice and consent of the Senate. These members serve 6-year terms and can be reappointed. In general, the Commission is responsible for supervising, through Federal probation officers, Federal parolees and for prescribing and modifying the terms and conditions governing parolees.

The Commission's principal functions are to

- determine the date of parole eligibility for adult prisoners,
- grant parole,
- prescribe terms and conditions to govern the prisoner while on parole,
- issue warrants for the arrest of parole violators, and
- revoke parole and modify the conditions of parole.

## CHAPTER 2

### PROBATIONERS AND PAROLEES OFTEN HAVE PROBLEMS

#### ADJUSTING BACK INTO SOCIETY

Statistics on the probationers and parolees who adjust back into society--the scorecard of probation officers' achievement--need to be upgraded substantially if they are to be used for management purposes. To obtain some indication of the system's success, we sampled both open and closed probation and parole cases in five Federal probation districts.

In the closed cases, about half of all offenders removed from supervision either had their probation or parole revoked, had absconded, were convicted of new crimes, or were awaiting trial. For the latter two categories, arrest and conviction data was obtained for the offenders' probation or parolee periods and for a followup period which extended to June 1976. In open cases, a similar trend was developing; however, the final results are not in on these cases.

Our randomly selected sample included

--491 cases (356 probationers and 135 parolees) from the 10,101 cases closed in 1973 and 1974 and

--482 cases (302 probationers and 180 parolees) from the 9,307 cases under active probation or parole supervision on or about March 1, 1976, and which had been on supervision before September 1, 1975.

(The method used in selecting and analyzing these cases is discussed in Ch. 8.)

On the basis of a detailed analysis of the 491 closed cases, we projected for the 10,101 closed cases that:

--3,273 offenders (about 32 percent) failed--  
1,216 offenders (about 12 percent) had their  
probation or parole revoked; 1 and 2,057

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1/The return of a parolee to prison for violating conditions of release which could result from a new conviction or from technical violations or the resentencing of a probationer following violations to serve a prison sentence. The decision to revoke is a responsibility that rests with the courts for probationers or with the Parole Commission for parolees.



offenders (about 20 percent) received additional sentences of 60 days or more or fled supervision.

--788 offenders (about 8 percent) had been convicted of new offenses and received sentences of less than 60 days or were wanted for new violations.

--465 offenders (about 5 percent) were awaiting trial.

Thus, about 45 percent of the offenders experienced difficulties.

Generally, probationers did better than parolees. An estimated 29 percent of the 7,323 probationers failed, while 41 percent of the 2,778 parolees failed. Projecting to the universe of 10,101 closed cases, 1,131 parolees and 2,142 probationers whose cases were closed in 1973 and 1974 failed.

The following table shows, by district, the failure rates among the closed cases analyzed.

<u>U.S. court district</u>	<u>Failure rate</u>	
	<u>Probation</u>	<u>Parole</u>
	(percent)	
California Central	42	41
Georgia Northern	22	46
Illinois Northern	19	30
Washington, D.C.	21	54
Washington Western	24	42

To estimate how many offenders were arrested and convicted of additional crimes while on supervision, we analyzed arrest and conviction data for the 482 active cases and 491 closed cases. We then projected the arrest and conviction rates to our universes as follows:

<u>Sample</u>	<u>Estimated offenders</u>	
	<u>Arrested</u>	<u>Convicted</u>
	percent	percent
Active	3,127	1,582
Closed(note a)	3,515	2,465
	34	17
	35	24

a/In order to compare the arrest and conviction rates for closed and active cases, only arrests and convictions occurring during the actual period of supervision were used.

Comparing data from closed cases with that from active cases, arrest and conviction rates for active case offenders approach those for closed case offenders.

Of the estimated 1,582 active case offenders convicted and the 2,465 closed case offenders convicted shown in the previous table, 44 and 36 percent respectively were parolees. Even though parolees comprised a small portion of the people under supervision, as shown in the following table, they accounted for a significant portion of new convictions while under supervision.

<u>Conviction offense</u>	<u>Convictions</u>	
	<u>Probationers (note a)</u>	<u>Parolees (note a)</u>
Homicide	0	0
Robbery	9	9
Assault	10	2
Sex offenses	5	9
Burglary	7	3
Larceny	18	17
Fraud/forgery	18	7
Narcotics	19	21
Alcohol	42	20
Probation/parole violations	17	9
All other crimes	<u>45</u>	<u>27</u>
Total	<u>192</u>	<u>124</u>

a/Includes both active and closed case offenders.

Parolees accounted for 45 percent of new convictions for such crimes as robbery, assault, and sex offenses and for 40 percent of those for crimes against property, such as burglary, theft, and larceny.

### CONCLUSIONS

Probation and parole are considered appropriate alternatives to incarceration when offenders (1) have a good potential for rehabilitation and (2) do not pose a serious risk to the well-being of the community. However, the estimated 4,526 offenders who had difficulty raises a serious question about the Federal Probation System's ability to help offenders adjust back into the community while protecting society. The

high percentage of offenders convicted of new crimes while under supervision indicates problems either in the selection of offenders to be placed on probation or parole or in the programs for supervising and rehabilitating probationers and parolees--or both.

## CHAPTER 3

### MORE EMPHASIS SHOULD BE PUT ON SUPERVISION

More frequent contacts by probation officers with high- and medium-risk offenders in the Federal Probation System are needed. For closed cases, maximum- and medium-risk offenders were personally contacted an average of only five times annually. For active cases, the number of contacts made with offenders still on supervision as of March 1976 showed that although increasing, the number of contacts with maximum- and medium-risk offenders were still infrequent.

Probation officers have numerous duties which detract from their ability to provide adequate supervision. Supervision must be emphasized more so that probation officers can better assure that probation or parole conditions are met and needed rehabilitation services are provided. Contacting offenders more frequently may require added resources, but first an attempt should be made to improve the allocation of the probation officer's time among his various duties.

### MORE FREQUENT SUPERVISION CONTACTS NEEDED

Standards for caseload classification and supervision contacts were not issued until 1971. The standards were established by the paroling authority, then the United States Board of Parole, working in conjunction with probation officers and staff of the Administrative Office. The criteria are based on the relative risk that an offender poses to the community. Maximum-risk offenders have committed serious crimes of violence, have extensive prior records, and have many unstable social and personal characteristics. These individuals are to receive at least three personal contacts a month, or 36 annually. Minimum-risk offenders have committed less serious crimes, have no extensive prior records, and have stable social and personal characteristics. Probation officers are to contact these individuals at least once a quarter, or four times annually. Cases not meeting the criteria for maximum or minimum risk are classified medium risks and are to be contacted once a month, or 12 times annually. The standards were goals to be implemented in supervising parole cases when sufficient personnel became available.

Although the standards were not adopted by the Administrative Office for probation cases until September 1974,

we used them to gage the frequency of probationer contact for closed cases. The Administrative Office agreed that this was a reasonable approach.

In addition to personal contacts, probation officers are also to make collateral contacts. A collateral contact is a telephone or personal contact with someone other than the offender, such as family members or employers. These contacts are used to obtain information regarding the offender's attitude, activities, and problems. The established collateral contact rates are once a month for maximum- and medium-risk offenders and once every three months for minimum-risk offenders.

A comparison of closed and active cases indicates increased probation officer contacts with offenders; however, higher risk offenders are still not getting the required amount of personal supervision. The following table compares the contact levels between closed and active cases for various risk categories.

<u>Risk category</u>	<u>Average rate of contact annually</u>			
	<u>Closed cases</u>		<u>Active cases</u>	
	<u>(1973-74)</u>		<u>(through Mar. 1, 1976)</u>	
	<u>Number</u>	<u>Percent of standard</u>	<u>Number</u>	<u>Percent of standard</u>
Minimum	4	100	5	127
Medium	5	42	7	57
Maximum	5	14	9	25
Unclassified (note a)	3	69	5	13

a/We compared the contact rates for cases which had not been classified as to risk against the rate set for minimum-risk cases.

As indicated by the active cases, probation officers are supervising minimum-risk offenders above the standard but are still deficient in supervising maximum- and medium-risk cases. The collateral contacts for both closed and active cases were also below established levels. For the closed cases the collateral contact rate was only 23 percent of the standard, and for active cases it was only 43 percent.

#### COURT AND PAROLE CONDITIONS ARE NOT MET

Both the courts and the Parole Commission assign general and special conditions to which an offender must agree to be

released. General conditions, which apply to all probationers and parolees, include such things as not violating any laws, maintaining regular employment, having no firearms, and reporting to probation officers as directed. Special conditions may require that probationers and parolees participate in drug, alcohol, or mental health treatment programs or, in the case of probationers, to also pay fines or make restitution.

The closed cases surveyed had 171 special conditions; 39 percent of these conditions were not met. The following tables show performance rates by district and types of conditions required for sampled probationers and parolees.

<u>District</u>	<u>Conditions</u>		<u>Percent not met</u>
	<u>Assigned</u>	<u>Not met (note a)</u>	
California Central	47	21	45
Georgia Northern	18	2	11
Illinois Northern	16	7	44
Washington, D.C.	36	21	58
Washington Western	<u>54</u>	<u>15</u>	28
Total	<u>171</u>	<u>66</u>	39

a/Includes only those offenders who did not meet the conditions prescribed by the courts or the U.S. Parole Commission or who did not comply with the instructions of their probation officer.

<u>Special condition of release</u>	<u>Number</u>		<u>Percent not met</u>
	<u>Assigned</u>	<u>Not met</u>	
Fine (note a)	45	9	20
Restitution (note a)	34	8	24
Community service (note a)	23	4	17
Drug program	26	16	62
Alcohol program	12	9	75
Other conditions (note b)	<u>31</u>	<u>20</u>	65
Total	<u>171</u>	<u>66</u>	39

a/Does not apply to parolees.

b/Includes such things as vocational training, mental health counseling, and employment.

The active sample cases reviewed had 211 special conditions imposed. Of these, 34 percent had not been met as of March 1976.

#### TWO REASONS FOR LIMITED SUPERVISION

Problems which contributed to substandard supervision practices were:

--Probation officers emphasizing other duties more than supervisory responsibilities.

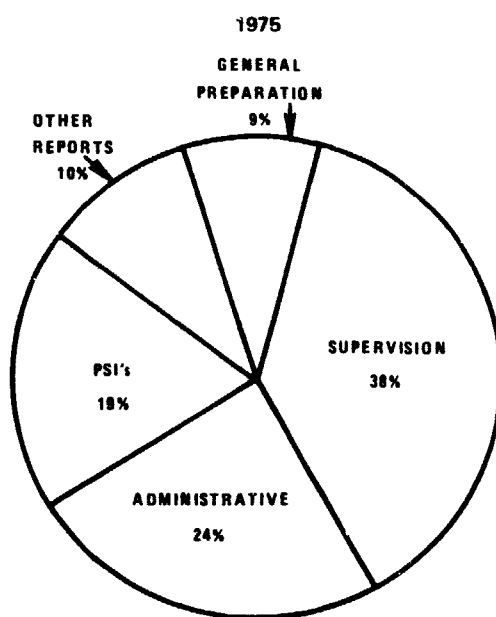
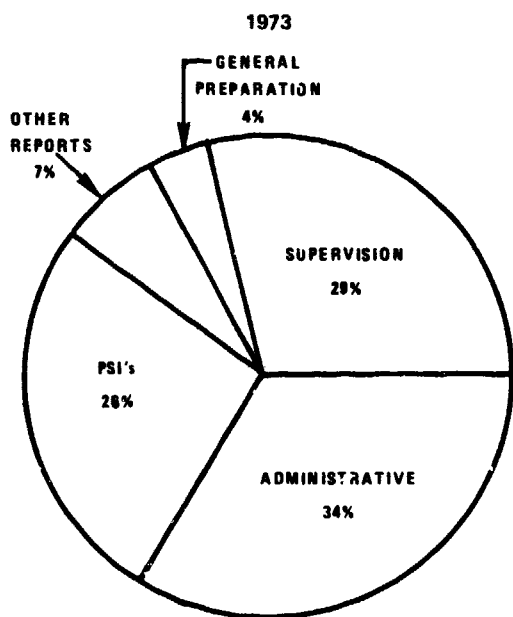
--Many probation officers and districts setting their own contact rates, which differ from Administrative Office rates.

#### Probation officers are emphasizing other duties more than supervision

Administrative Office policy states that probation officers must avoid concentrating on highly visible activities, neglecting the less tangible but equally important duties of supervision. Supervision, however, has a lower priority among probation officers than the preparation of the more visible products.

Three CUSPOs interviewed said that supervision was not the top priority of probation officers. They said, for example, making PSIs receives a higher priority than supervision.

The Administrative Office made a time study in 1973 and another in 1975. While both showed that most of a probation officer's time was indeed spent on nonsupervisory work, by 1975 some improvement had been made. The 1975 study showed that probation officers spent 62 percent of their time in nonsupervisory work, as opposed to the 71 percent shown in the 1973 study. The following diagrams show the results of the 1973 and 1975 studies.



Of the time spent (38 percent) on offender supervision in 1975, only 14 percent consisted of face-to-face contact while 24 percent was spent on related functions, such as collateral contacts or work on case files. The Administrative Office has taken no formal action as a result of its latest time study to insure that CUSPOs increase the number of personal contacts with offenders. Instead it has tried to informally encourage CUSPOs and probation officers through the training sessions given by the Judicial Center. We believe that the 14 percent of time probation officers spent on personal contacts was insufficient to meet the Administrative Office's established levels of supervisory contacts and that the Administrative Office needs to do more to insure that contact levels are met.

We recognize that PSIs and other court duties require much of the probation officers' time. However, we believe that districts can use certain techniques (such as adopting flexible working hours) to obtain a higher degree of supervision. Some districts have done this. For example, the Northern District of Georgia requires that all probation officers spend at least 2 days each week supervising offenders. Four of the five districts reviewed encourage probation officers to work flexible hours so they can supervise individuals outside of regular working hours. Additionally, two of the five districts require some offenders to report to



the probation office and be personally interviewed by a probation officer. (Other techniques for improving supervision are discussed on p. 15.)

In addition to using such techniques, we believe that CUSPOs should evaluate how probation officers are managing their time and try to identify ways to use time more effectively. For example, in one district, probation officers' supervision areas overlapped. We pointed this out to the CUSPO, who corrected the situation by revising supervisory boundaries and assigning probation officers to specific areas. The CUSPO said that these changes resulted in monetary savings and less wasted time and enabled probation officers to make more supervisory contacts.

#### Districts and probation officers set their own contact rates

Although Administrative Office guidelines determine contact rates for probationers and parolees, many districts have established their own rates:

- Thirty-nine of the 91 districts have established lower rates than the Administrative Office minimum for personal contacts with probationers.
- Thirty-three districts have a rate lower than the Administrative Office minimum for personal contacts with parolees.
- Nine districts have established higher contact rates for both probationers and parolees; however, two of these said they could not meet the rates set.

The following examples from a study conducted by the Administrative Office in its Western Region 1/ show the differences that can result when probation districts arbitrarily set contact rates.

- In one district each probation officer evaluates offender risk initially on the basis of procedures provided by the U.S. Parole Commission. The probation officers may change classifications to meet the

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1/In 1975 the Administrative Office surveyed the probation districts in the Western Region concerning their supervision and sentencing practices. The study showed the various approaches districts were taking to provide offenders with service.

level at which they are able to supervise. This can result in some maximum-risk cases being contacted at the minimum-risk rate.

- At another district, the CUSPO was adamantly opposed to the "traditional" emphasis on number of contacts within a given time frame. Accordingly, he established his own suggested guidelines for supervisory contacts. They called for no surveillance in cases considered to be of minimum risk to full surveillance (primarily in the form of unscheduled contacts) over maximum-risk cases.

### TECHNIQUES WHICH MIGHT IMPROVE SUPERVISION

Our detailed review at the five districts and our evaluation of the answers to questionnaires by the 91 CUSPOs showed a variety of management techniques being used to increase contact as follows.

- Special units dedicated solely to supervision and thereby relieving probation officers of other duties such as making PSIs.
- Team concept of supervision which gives each probation officer a backup officer, permitting each to know the other's caseload.
- Review of probation officer case files by supervisory probation officers, which assures evaluation of probation officers' performance.
- Suboffices which are used to improve geographic coverage of a district.
- Flexible work hours which allow probation officers to contact offenders after regular work hours.
- Selective PSI reports which are less comprehensive than regular PSI reports and require less time to do.

Some districts disagree on the use of these techniques. For example, four of the five districts reviewed had CUSPOs who did not favor special supervision units because they believe probation officers would lose a certain amount of "professionalism and feel for their job" if they did not perform both supervision and PSI functions. Although these techniques may not be universally accepted, we believe their applicability in given situations is worth further consideration by the Administrative Office.

## CONCLUSIONS

Although probation officer contacts with offenders have increased somewhat, probation officers are not meeting minimum standards established by the Administrative Office. Probation officers are emphasizing other duties more than supervisory responsibilities and consequently do not have the time to meet Administrative Office contact rates. Also, over one-third of the probation districts did not agree with Administrative Office contact rates. Without adequate contact there is no assurance that the conditions of release are being met.

We recognize that probation officers have duties other than supervision to perform. However, we believe that supervision must be emphasized more than it is now. While achieving higher levels of supervisory contact may require more resources, before additional resources are requested CUSPOs should be required to evaluate how probation officers are using their time and how they can improve the level of supervision being given to offenders. Innovative techniques being used by certain districts which improve effectiveness should be evaluated for possible use in other districts.

## RECOMMENDATIONS

We recommend that the Administrative Office, in cooperation with the Parole Commission and probation officers, review the present level of supervisory contacts. As a minimum, the Administrative Office should

- get agreement on what the minimum contact standard for various risk levels should be and adopt procedures to meet these standards;
- evaluate operations to identify ways to increase the level of supervisory contacts using existing resources; and
- evaluate various district management techniques being used and, in conjunction with districts, adopt those techniques which improve the efficiency of supervision.

## CHAPTER 4

### U.S. PAROLE COMMISSION POLICIES

#### LIMIT PROGRAM EFFECTIVENESS

Even though final responsibility for parolees rests with the U.S. Parole Commission, probation officers are responsible for supervising the parolees. In performing this function, probation officers have experienced difficulties because the Commission has:

- Often delayed issuing requested warrants which has resulted in probation officers' delayed reporting of violations or imprompt requesting of warrants and in offenders remaining at large and sometimes committing additional crimes.
- Not effectively dealt with the problem of warrantless searches and seizures which confronts probation officers.

#### PAROLE COMMISSION DOES NOT ISSUE WARRANTS PROMPTLY

Regional parole commissioners have established differing procedures on issuing parole violation warrants. One regional commissioner said that whenever the decision to issue a warrant was made, there must be 100-percent certainty that the Commission would be able to obtain a parole revocation. Two other regional commissioners said that all requests for warrants would be granted. A fourth regional commissioner relied primarily on his staff to determine the adequacy of facts presented by the probation officers' requesting warrants.

This variance has resulted in most probation officers waiting for a court conviction on a new offense before reporting any parole violations or requesting warrants for serious parole violations. We randomly sampled 283 of the 595 revocation hearings held between September and December 1975 to determine the basis on which warrant requests were made. Requests were based on convictions in 228 cases and on technical violations in only 55 cases.

All the regional parole commissioners interviewed said that probation officers should report violations immediately. However, in the 283 cases analyzed, probation officers took an average time of 64 days before reporting violations. The time they took to report violations ranged from 1 day to 306 days.

An analysis of the Commission, prepared by the Department of Justice, <sup>1/</sup> noted problems that probation officers had with the Commission's reluctance to issue warrants. According to the study, probation officers believe that a series of technical violations can serve as a prognosis of future criminal activity and, therefore, should be a sufficient basis for revoking parole. The study also showed that, because of the Commission's attitude, probation officers are reluctant to request violator warrants for anything other than absconding from supervision or conviction of a new offense.

To determine actual response time, we analyzed our 283 sample cases and found that the average elapsed time from warrant request to issuance was 10 days. Each region's average response time is summarized below.

	Commission's regional office				
	<u>San Francisco</u>	<u>Kansas City</u>	<u>Dallas</u>	<u>Atlanta</u>	<u>Philadelphia</u>
Average days between request and issuance (note a)	14	9	10	13	9

a/The shortest time frame was used. For example, if a probation officer requested a warrant but the Commission needed more information, the probation officer would have to request the warrant again. Thus, the time frame considered was from the time the last request was made to the time the warrant was issued.

A result of excessive delays was that some parolees committed additional crimes while warrant requests were being considered. In some cases the parolees were arrested but released on bond while revocation warrants were still being considered. The following examples show what can happen when warrants are not issued promptly.

--An offender was paroled to the Northern District of Georgia in October 1974. He absconded from supervision April 1975, burglarized several post office boxes in Florida, and cashed a stolen U.S. Treasury check. While Secret Service agents were

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<sup>1/</sup>"An Evaluation of the U.S Board of Parole Reorganization," prepared by the Department of Justice, Office of Management and Finance, Dec. 1975.

investigating the crimes, the probation officer, on May 7, 1975, requested a warrant charging various parole violations. On May 13, 1975, the Commission asked for more details before issuing a warrant. On May 16, 1975, the offender was arrested in Tennessee on auto theft charges and after a court hearing was released. A Federal warrant was issued by the court on May 19, 1975, charging mail theft and forgery. On June 2, 1975, the Commission issued a warrant charging parole violation.

--An offender with an extensive criminal history was paroled to the Western District of Washington in March 1974. In August 1974, local police informed the probation officer that the offender had just been arrested by local authorities on a charge of indecent liberties and assault. The probation officer immediately notified the Commission and requested a warrant. After a week had elapsed with no warrant being issued, the probation officer contacted the Commission and was advised that it would be another 3 to 7 days before a decision could be made. Since the offender was soon to be released on bail, local citizens brought the matter to the attention of their Congressman who notified the Commission. The Commission immediately issued a warrant, but before it could be served, the parolee jumped bail. He was subsequently arrested in October 1974 attempting to rob a bank.

PROBATION OFFICERS' INABILITY TO MAKE  
WARRANTLESS SEARCHES AND SEIZURES OF  
EVIDENCE FROM PAROLEES PROMOTES PROBLEMS

Probation officers have similar supervisory responsibilities for probationers and parolees. These officers have express statutory authority to make warrantless arrests of probationers. Implicit in this statutory authorization is the authority, in limited circumstances, to make warrantless searches and seizures of evidence from probationers incident to arrest. These statutory authorizations only apply, however, to enforcement activity directed toward probationers. Neither this authorization nor any other similar statutory authorization applies to probation officers supervising parolees.

Further, it is the Parole Commission's present policy that warrantless searches or seizures be made by law enforcement officials other than probation officers. Probation

officers are limited to investigating and obtaining documentary evidence on parole violations, communicating this information to the regional parole commissioners, and requesting warrants. There are times, however, when probation officers encounter parolees who are violating release conditions and committing new crimes. In these situations there may not be sufficient time to request a warrant or to call on local law enforcement authorities. The following example illustrates this problem.

--A probation officer visited the home of a parolee who previously had been convicted of smuggling drugs. During the visit the probation officer found various narcotic paraphernalia. When confronted with these devices, the parolee denied using drugs. The probation officer advised local law enforcement officials of the problem but by the time they arrived all evidence was destroyed.

Several probation officers said that their inability to make warrantless searches and seizures while supervising parolees has created a situation where they not only do not bother with parole violations, but actually attempt to avoid knowledge of them. We asked the 226 probation officers in the probation districts reviewed if they believed their effectiveness in supervising parolees was compromised by this situation.

--Thirty-one percent said their effectiveness had been compromised by limitations on their search and seizure authority.

--About 60 percent said they believed that local law enforcement officials could not help with violators because (1) by the time enforcement officials arrive, opportunities for arrest or seizure of evidence are lost and leads are cold or (2) enforcement agencies are not familiar with the case or have difficulty in conducting skilled investigations on short notice.

Three of the regional parole commissioners favored probation officers having more authority over parolees if the probation officers want and are capable of exercising it. One of these commissioners told probation officers in his region that they could make warrantless searches and seizures. One CUSPO in that region said that his probation officers were more effective as a result and cited examples where evidence was seized and parole revocations resulted.

On the other hand, two of the five regional parole commissioners believed that warrantless search and seizure authority should not be given to probation officers primarily because it is the Commission's duty to protect the rights of parolees and issue warrants based only on sufficient evidence.

The Parole Commission, in commenting on the report, stated that it is apparent that it should thoroughly study, both from a legal and practical standpoint, whether its present policy is correct or should be modified. (See app. III.)

### CONCLUSIONS

For probation officers to effectively carry out their responsibilities for supervising parolees, they need more assistance and guidance from the Parole Commission. We found three principal impediments to fulfilling these responsibilities.

First, Commission guidelines do not adequately define the circumstances under which a warrant should be requested, including the charges which will result in revocation. As a result, some probation officers do not request warrants when they should.

Second, when probation officers do request warrants, the officers do not receive them quickly. The Commission needs to expedite the processing of warrants.

Third, the Parole Commission has not effectively dealt with the problem of warrantless searches and seizures which confronts probation officers. Probation officers often may have time to request warrants from the Parole Commission, but there are situations where probation officers observe violations of parole and do not have time to secure a warrant.

### RECOMMENDATIONS

To improve the supervision of parolees, we recommend that the Parole Commission, in cooperation with the Judicial Conference and the Administrative Office:

- Issue definitive guidelines to probation officers on what parole violations constitute sufficient grounds for the Commission to issue a warrant. These guidelines should also



reemphasize the Commission's policy that all parole violations should be reported immediately to the Parole Commission but that they may not necessarily result in a warrant being issued.

- Reduce the processing time required to issue warrants.
- Review the warrantless search and seizure needs of probation officers when supervising parolees. If the Parole Commission concludes that the ban against warrantless searches and seizures is undesirable, the Parole Commission should advise the Congress of its findings and its recommendations for such authorizing legislation as may be necessary.

## CHAPTER 5

### OFFENDERS ARE NOT BEING PROVIDED

#### REHABILITATION SERVICES

Probationers and parolees often have particular problems--family, medical, academic, vocational, etc.--which need to be professionally treated. Studies done in this area show that such treatment can help probationers and parolees move out of the criminal justice system. However, not enough professional treatment is being provided in Federal supervision programs. We found that some probation officers were not devoting the time necessary to plan for offenders to receive needed professional help. Also, rehabilitation services often were not available in the community from public service organizations or Government programs.

Each probation district should know the services available and should provide for methods of delivering those that are not. Probation officers need to take the time to plan for offenders to receive the help they need and to follow up on their participation.

#### IDENTIFIED NEEDS ARE NOT USUALLY TREATED

An estimated 62 percent of the more than 10,101 probation and parole cases closed during 1973 and 1974 in the districts reviewed had identified rehabilitation needs. Some offenders had several rehabilitation needs; referrals were made for only about 28 percent of these needs.

Diagnosis of offender needs is important in determining whether an individual should be released on supervision and in determining the nature of any rehabilitation treatment. Probation officers initially diagnose offenders during the preparation of PSI reports. These PSI reports are then used by judges in determining appropriate sentences and by probation officers in establishing supervision programs, including rehabilitation services. In addition, some offenders are diagnosed by psychiatrists in the community or by Bureau of Prisons psychiatrists, psychologists, or caseworkers.

Diagnosis should be followed by treatment planning, referral to treatment programs, and followup to see that treatment is completed. As shown in our report on State

and county probation systems, 1/ there is a highly significant relationship between the extent to which offenders receive needed services and their success on probation. A review of closed cases showed that 302 of the 491 offenders had a total of 527 identified needs.

Rehabilitation programs were completed for about 25 percent of the needs. Only about 9 percent of these needs were treated as a result of probation officer referrals. The remaining needs (16 percent) were treated at the initiative of others, including the offender. The number of needs for each service and number of needs for which treatment was completed are shown below.

<u>Service needed</u>	<u>Needs identified</u>	<u>Needed treatment completed</u>
Family counseling	34	4
Medical	38	16
Mental	30	3
Academic	64	17
Vocational	79	17
Employment	136	33
Alcohol	47	5
Drug	54	17
Other counseling	25	11
Other needs	<u>20</u>	<u>7</u>
Total	<u>527</u>	<u>130</u>

In order to obtain data on more recent rehabilitation efforts, we reviewed the 482 active cases sampled. We found that 76 percent of these cases had a total of 683 needs. Forty-five percent of these needs had been referred to treatment programs but, at the time of our review, only 38 percent had been or were being treated. The extent to which offenders being treated will complete treatment programs is not yet known. Although figures indicate considerable improvement in referrals for the active cases, over half of the needs were still not referred. In addition, since referrals are usually made during a supervisory contact, the low supervisory contact rate noted in chapter 3 affects the number of offenders referred to treatment programs.

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1/"State and County Probation: Systems in Crisis," GGD-76-87, May 27, 1976.

REHABILITATION PLANNING RECEIVES  
INADEQUATE EMPHASIS

As discussed in chapter 3, the time probation officers spend on other duties significantly affects supervisory duties. Because of the amount of time spent on these duties, probation officers are not comprehensively addressing rehabilitation problems. In addition, probation officers were only making limited use of rehabilitation plans, which could be used to identify offender needs and the treatment needed and to assist in determining whether treatment occurs. By establishing, implementing, and monitoring rehabilitation plans, probation officers should be able to (1) assess the effectiveness of even the most limited efforts and (2) identify weaknesses in treatment programs needing corrective action. With this type of quantification, management should then be able to identify alternative measures and/or justify additional resources to improve treatment programs.

Correction experts generally agree that rehabilitation planning is needed to explain how diagnosed needs will be met through a treatment program. The importance of rehabilitation planning was also confirmed by 55 of the 88 chief judges responding to our questionnaire. In addition, 22 of these judges indicated that these plans should be approved by judges after probation officers prepare them.

Only two of the five districts reviewed required probation officers to develop rehabilitation plans and, even in these two, plans were not always prepared. The following table shows the extent to which rehabilitation plans were prepared in closed and active cases in reviewed districts.

<u>District</u>	<u>Cases sampled</u>		<u>Case having plans</u>			
	<u>Closed</u>	<u>Active</u>	<u>Closed</u>	<u>Active</u>	<u>Closed</u>	<u>Active</u>
					(percent)	
California						
Central	103	103	1	9	1.0	8.7
Georgia						
Northern	97	97	10	32	10.3	33.0
Illinois						
Northern	100	100	3	4	3.0	4.0
Washington, D.C.	98	89	36	62	36.7	69.7
Washington						
Western	<u>93</u>	<u>93</u>	<u>5</u>	<u>10</u>	5.4	10.8
Total	<u>491</u>	<u>482</u>	<u>55</u>	<u>117</u>	11.2	24.3

Our questionnaire sent to 91 district CUSPOs also confirmed the sporadic use of rehabilitation plans. Eighteen districts did not furnish us with copies of their rehabilitation plans. Of the remaining 73 districts.

--18 had what we considered to be adequate rehabilitation plans,

--19 did not require or prepare rehabilitation plans, and

--36 had what we considered to be inadequate plans.

The 36 plans we considered inadequate consisted of copies of court-ordered conditions and chronological records of supervisory events, but did not include a statement of needs, goals, and time frames.

Administrative Office officials favored the preparation of rehabilitation plans but stated that the Administrative Office did not have the authority to require their preparation by probation officers. The chief judges are the only authority that can direct the probation officers to prepare rehabilitation plans.

The Department of Justice also favored the preparation of rehabilitation plans for soon-to-be-released offenders. The Department believes that coordinated efforts between probation officers and its Bureau of Prisons institutional staff is extremely important in providing soon-to-be-released offenders with adequate release plans. The Department further believes that the Bureau of Prisons staff and the probation officers could work cooperatively to insure program continuity for individual participants after release. In developing cooperative plans the Department believes that particular attention should be given to designing plans which are suitable to the offenders' needs and interests and, to the extent possible, consistent with vocational training received in the institution.

PROBATIONERS AND PAROLEES DO NOT  
ALWAYS RECEIVE NEEDED SERVICES

Rehabilitation services are provided to Federal probationers and parolees through the Bureau of Prisons

or through community facilities. <sup>1/</sup> However, the Bureau of Prisons and community facilities have funding problems as well as clients of their own to treat. For reasons such as these, 47 of the 91 CUSPOs said they had offenders with needs that community rehabilitation services could not satisfy. In addition, the probation officers in the five districts responding to our questionnaire reported that 304 offenders in their current case-loads needed some form of treatment but were not receiving it. For about 46 percent of these offenders, probation officers reported that the lack of an available treatment program was the reason treatment was not provided.

Fiscal year 1975 budget reductions caused the Bureau of Prisons to reduce funding for drug treatment aftercare in the community. The Bureau could only provide funds to obtain drug treatment for incarcerated offenders and parolees. This reduction in funding affected the districts reviewed. In the Northern District of Illinois, for example, the probation office was forced to assume the functions of drug counseling and testing. In other districts some offenders were terminated early from programs and in another drug testing was unavailable for a time. At the time of our review, only two of these five districts were regularly using Bureau of Prisons services. The results of our questionnaire showed that only 27 of the 91 probation districts regularly used Bureau services.

The Administrative Office has no statutory authority to contract for rehabilitative services. Contracting is presently a Bureau of Prisons responsibility. The Assistant Director for Correctional Programs for the Bureau of Prisons said that rather than contracting for rehabilitative services on a case-by-case or district-by-district basis, the Bureau prefers to operate regionalized treatment facilities. He said, however, that this means that probationers or parolees must reside at these facilities and may be required to leave the community--which is contrary to the purpose of probation and parole.

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<sup>1/</sup>Some of these facilities obtain their funding from Federal sources such as the Departments of Labor and Health, Education, and Welfare.

A 1974 report prepared for the President by the Domestic Council Drug Abuse Task Force recommended that funds, responsibilities, and contracting authority for treating probationers and parolees be transferred from the Bureau to the Probation System. Bureau officials also expressed support for the transfer of responsibility and funding. To date, however, no action has been taken on these recommendations.

On the other hand, the Judicial Conference's Probation Committee believes that the function of providing treatment services is more appropriately done by the executive branch rather than by the judicial branch. The Probation Committee has agreed, however, to accept this responsibility if the Congress grants such authority.

#### SOME OFFENDERS REFUSE SERVICES

Another reason given by probation officers for the lack of treatment was refusal by offenders to participate in rehabilitation programs. Of the 304 active cases for which services were not delivered, 106 involved resistant offenders. Probation officers stated that it would be much easier to convince an offender to get treatment if his participation were required as a special condition of release. A review of closed sample cases confirmed that while the completion rates for court and parole conditions were generally low, the rates for court-ordered special conditions were higher than for voluntary special conditions.

Despite this relatively good record for court-ordered special conditions, several of the CUSPOs interviewed questioned the ability of any program to rehabilitate an offender who was forced to take rehabilitative treatment. One CUSPO stated that forcing an offender to attend a program wasted the treatment specialist's time and deprived other individuals of the opportunity for treatment.

#### SOME DISTRICTS' PROGRAMS TO IMPROVE OFFENDER TREATMENT

Two probation districts have introduced new programs to resolve some of the above problems. We did not evaluate these programs, but we believe that they warrant mention because they represent an attempt at innovation within the system.

Washington, D.C., district

The Washington, D.C., district has established a program to assist in diagnosing and planning the treatment of offender needs. The program begins during the presentence investigation. The officer preparing the PSI report also prepares the rehabilitation plan for treatment during probation or parole supervision. The district also strives to have the probation officer who prepared the PSI report receive the case when the offender is placed under supervision. The district requires each offender to attend four group counseling sessions at the beginning of supervision. Probation officers conduct these counseling sessions which are used to identify additional needs and to modify rehabilitation plans. The probation office intends to expand this group counseling program to include specific counseling sessions for alcoholic, unemployed, and maximum-risk offenders.

To further the treatment of offenders whose needs exceed the limits of customary supervision resources, the Washington, D.C., probation office established a special Resources and Service Unit in February 1976. This unit either provides the needed treatment or refers the offender to a rehabilitative treatment program. The officers in this unit are responsible for training staff, group counseling offenders, and researching and developing community resources for referral purposes. The probation officers in this unit do not have a caseload, nor do they make PSIs.

A comparison of the results of the probation officer questionnaires in the five districts showed that the percentage of Washington, D.C., district offenders in treatment programs was about triple that of each of the other four districts, as shown below.

<u>District</u>	<u>Total caseload</u>	<u>Total number in treatment programs</u>	<u>Percent of total caseload</u>
Washington, D.C.	1,850	780	42.2
California Central	3,992	634	15.9
Georgia Northern	1,208	180	14.9
Illinois Northern	1,803	267	14.8
Washington Western	<u>838</u>	<u>126</u>	15.0
Total	<u>9,691</u>	<u>1,987</u>	20.5



## California Central district

The California Central district has a new program to meet offenders' vocational training needs. The district, with members of the community, has developed a vocational training program in the meatcutting industry. A nonprofit corporation was created to train Federal offenders in a less competitive setting than in industry. The program provides counseling in employee-employer relationships, work habits, job benefits, attitudes, budgeting, and credit.

## CONCLUSIONS

There is a significant relationship between the extent to which an offender receives needed services and his success on probation. The delivery of rehabilitative services to probationers and parolees needs to be improved. To do this, district probation offices need to increase their emphasis on rehabilitative treatment. This increase may require a reassessment of priorities and staff needs. In addition, the rehabilitation treatment programs of district probation offices need improvement in the use of rehabilitation plans, number of offenders referred for treatment, and followup to see that treatment is completed. Probation districts need to comprehensively monitor rehabilitation efforts to identify program weaknesses and the actions needed to correct these weaknesses. Also, specific authority to contract for and fund treatment services is needed if inhouse services cannot be made available.

## RECOMMENDATIONS

We recommend that the Administrative Office, with the Judicial Conference, require district probation offices to improve their rehabilitation programs by

- preparing rehabilitation plans which translate identified needs into short- and long-term treatment goals for each offender,
- referring offenders to needed services, and
- following up to see that offenders receive needed services.

Each probation district should then establish a system for monitoring rehabilitation efforts to identify specific weaknesses and needed corrective actions.

Also, in view of the problems encountered by probation officers in obtaining treatment for probationers and parolees, we recommend that the Administrative Office analyze its rehabilitation needs to identify the resources that are currently being used and the additional resources that are needed. We recommend that the Administrative Office submit this analysis to the Congress with a request for the contracting authority and funding to meet offender needs.

## CHAPTER 6

### THE FEDERAL PROBATION SYSTEM SHOULD BE BETTER MONITORED AND EVALUATED

The Administrative Office is responsible for monitoring and evaluating the work of district probation officers; however, these efforts to date have been limited. The Administrative Office has not established goals and standards for supervision and rehabilitation programs nor the means to evaluate the Probation System's effectiveness. In addition, the Administrative Office has not established a reporting system to evaluate district office performance and does not have adequate technical assistance capability to help districts solve problems. As a result, (1) the Administrative Office cannot identify weaknesses within the Probation System and recommend corrective actions, (2) the Judicial Conference does not have the information it needs to assess the Probation System's performance and set operational policy, and (3) the Parole Commission cannot effectively assess the Probation System's performance in supervising and rehabilitating parolees.

The Administrative Office's Probation Division is responsible for

- establishing policies, procedures, and guidelines for the Probation System's efficient operations;
- evaluating the work of probation officers;
- promoting the efficient administration of the Probation System; and
- insuring that the probation laws are enforced.

The Division routinely carries out other functions such as budget preparation for the district offices. It also develops policy guidelines and acts as the agent for the field in policy matters involving the Bureau of Prisons and the Parole Commission.

### SUPERVISION AND REHABILITATION GOALS AND STANDARDS ARE NEEDED

The Administrative Office has not established goals and standards for supervision and rehabilitation efforts. Without goals and standards against which the effectiveness of

Federal supervision or rehabilitation efforts can be measured, the judicial branch is unable to determine what impact its efforts are having on offenders or if resources are being allocated to those individuals who could benefit most.

Administrative Office officials have said that each CUSPO at each district court should establish supervision and rehabilitation goals and standards as well as the policies and procedures necessary to achieve them. One effect of this policy has been the establishment of many different kinds of programs to supervise and treat offenders' needs. As discussed in previous chapters, we noted instances of substandard supervision, court and parole conditions not being met, and inadequate delivery of rehabilitative services. The chief of the Administrative Office's Probation Division said that the Federal Probation System is a federation of 91 offices serving at the pleasure of the courts, and an individual interpretation of how things should be done is common.

#### SYSTEMS TO MONITOR AND EVALUATE PERFORMANCE ARE NEEDED

The Administrative Office lacks a system which can measure the Probation System's performance, identify and correct deviations from prescribed procedures, and provide feedback to probation officers. Without such a system, the Administrative Office cannot effectively fulfill its responsibilities of

- monitoring the operations of district probation offices or
- evaluating districts' probation activities.

In addition, the lack of adequate information hinders the Administrative Office from identifying problems in supervision and rehabilitation as well as from monitoring the overall effectiveness of the System. Since 1970 the number of offenders entering and under Federal supervision have increased at least 50 percent. Administrative Office officials believe this trend will continue. In addition, this increased number of offenders includes more hardcore criminals who have high violation rates. Since 1968 the number of such persons under supervision by the Federal Probation System for assault has increased 58 percent; for robbery, 81 percent; and for narcotics violations, 170 percent.

Accurate information such as demographic data and recidivism statistics does not exist on offenders currently

under supervision. The lack of data precludes the Administrative Office from planning where resources should be allocated during the next several years. This lack of data also precludes the Administrative Office from determining the effectiveness of supervision efforts or other services.

The Probation Division of the Administrative Office has no formal evaluation mechanisms, even though it is responsible by law for monitoring and evaluating the effectiveness and adequacy of district probation offices. According to Administrative Office officials, the only evaluative efforts of the Probation Division come from the national success rate and brief visits made to district offices by regional administrators from Washington, D.C.

The Administrative Office's fiscal year 1975 national success rates were 83.8 percent for offenders completing probation and 71 percent for offenders completing parole. These rates, however, are misleading. For example, in 34 cases (about 7 percent) in the districts reviewed offenders were listed as being successes or as completing supervision satisfactorily, while they were actually in prison or had completed an additional prison or probation sentence by the time they had gone "successfully" off of Federal supervision.

Title 18 of the U.S. Code requires probation officers to keep track of offenders and provide the court or the Parole Commission information on the offender's conduct during probation and parole. Yet the Administrative Office has not evaluated districts to insure that the court and the Parole Commission are promptly notified of arrests or violations of probation and parole.

#### MORE RESEARCH AND TECHNICAL ASSISTANCE ARE NEEDED

The Administrative Office's Probation Division provides technical assistance to probation districts and the Federal Judicial Center does related research. Technical assistance can consist of direct technical help to districts and various kinds of training sessions. Research can consist of studies, data gathering, and information system development.

Technical assistance has generally been provided to districts on a request basis. Probation Division officials said they had not provided information to districts on the types of technical assistance available except when helping the Judicial Center with training sessions. The Chief of Probation said that when districts let him know of problems,

assistance can be arranged. However, without information on what technical assistance is available, districts are not likely to request help in solving their problems. Indeed, district CUSPOs said the probation officers tend to rely on their own expertise to carry out supervision and rehabilitation programs.

In addition to the lack of technical assistance, when training sessions are held, many different methods of supervising, keeping case records, and supplying rehabilitative services are provided. If the Administrative Office evaluated enough programs and did enough research, it could recommend specific methods. Only limited research work, however, has been done.

The Judicial Center which does the research has only completed two limited studies of supervision and some sentencing practices studies. The Director of Research said the design of research programs and the execution of the research is the role of the Judicial Center. But to get research started, the Administrative Office must request it. Administrative Office officials, however, have not officially asked the Judicial Center or the Probation Committee of the Judicial Conference for adequate research help. The Judicial Center Research Director said limited funds and staff were available to do research; but if research needs were listed and priorities set by the Administrative Office and the Judicial Conference's Probation Committee, funds could be requested.

One place where research could help is in the area of required supervisory contacts. Current contact rates were developed by using the "experience and good judgment" of six probation officers. The Parole Commission has established supervision guidelines which require offender contacts according to risk level and believes the contacts should be made. Some probation officials, however, say that too much supervision may actually result in offenders committing new crimes. What should the emphasis be? Is the current required number of supervisory contacts appropriate?

Research could help in other areas such as developing standards, goals, and guidelines for (1) rehabilitative service delivery systems, (2) classification of offenders, and (3) predictive models.

Also, since probation districts operate different programs autonomously, the Administrative Office, by identifying and evaluating the various programs, should be able to

provide information to districts on proven methods. Some of the approaches which might be appropriate to evaluate include: (1) using a team concept of supervision, (2) having resource referral units for service delivery, (3) using separate units to prepare presentence reports, and (4) establishing specific programs to improve vocational training opportunities.

The Probation Division needs to identify problems which require attention and should actively work with the district offices to encourage their use of the Division's technical knowledge. We also believe that the Probation Division needs to assess research needs and provide a priority listing to the Probation Committee of the Judicial Conference. The Committee could then set the research priorities to be followed by the Judicial Center. Depending on the number of projects, the Judicial Center may determine that more resources are needed. In commenting on the report, the Administrative Office stated that the Federal Judicial Center presently is conducting three research projects at its request. The Administrative Office said it is also involved in a research project with the Bureau of Prisons. (See app. II.)

#### JUDICIAL DISTRICT MANAGEMENT AND MONITORING SHOULD BE IMPROVED

Probation offices function under the immediate direction of district court judges. However, many district judges do not receive adequate information to monitor the activities of probation officers. Some district chief judges indicated that they wanted more information on the operation of their probation office. They specifically mentioned that information is needed on research, effectiveness, and recidivism. One judge asked his probation office to conduct a 5-year followup study.

Some of the comments made by chief judges regarding district office activities follow:

- Judges generally do not have the training, experience, or time to supervise or evaluate the monitoring or supervisory work of the probation officers.
- A more systematic means is needed by which the CUSPO and the court can evaluate the degree to which the supervision program is accomplishing its objectives.
- There are too many defendants on probation per judge to adequately supervise in conjunction with probation officers.

--District judges need the opportunity to give more attention to court probation-related activities.

As a result of the lack of time and information, judges are hindered from monitoring and managing their probation systems. Of the 88 district judges responding to our questionnaire, 6 were personally responsible for managing the probation system, 65 had made CUSPOs responsible, and 17 said it was a joint responsibility. The judges rarely receive progress reports from probation officers. In fact, only 7 of 88 district judges routinely received progress reports. Even though the Administrative Office is responsible by law for monitoring and evaluating the effectiveness and adequacy of probation officers' work, the district judges are responsible for the overall management of the probation districts and should receive sufficient information on the workings of the probation programs in their districts.

### CONCLUSIONS

The Administrative Office's limited efforts at monitoring and evaluating supervision and rehabilitation efforts have permitted shortcomings within the Probation System to go undetected and uncorrected. The Administrative Office has not evaluated the quality of services performed nor monitored the Probation System's overall effectiveness. Chief judges do not have adequate information to effectively manage probation activities in their districts.

If the Federal Probation System is to achieve its overall objective of protecting society and rehabilitating offenders, specific goals and performance standards need to be developed. The creation of such standards would enable the Administrative Office to begin adequate program planning. In addition, the Administrative Office needs accurate and timely information to identify problem areas and correct them. Finally, the Administrative Office needs to provide greater technical assistance based on research to its district offices to aid in developing and implementing good local supervision, rehabilitation, and management programs.

### RECOMMENDATIONS

We recommend that the Judicial Conference, through the Administrative Office, establish Probation System goals and responsibilities and devise an adequate reporting system to provide information needed to evaluate the program. In addition, we recommend that the Administrative Office provide



more technical assistance to district offices to aid them in developing and implementing their supervision programs.

Once these steps are taken, we recommend that the Administrative Office

- evaluate probation district offices routinely for program implementation, effectiveness, and shortcomings;
- provide written reports to the Judicial Conference and the district chief probation officers of the results of evaluation efforts; and
- follow up to insure that corrections are made.

## CHAPTER 7

### AGENCY COMMENTS AND OUR EVALUATION

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

The Administrative Office generally agreed with our findings, conclusions, and recommendations. It also shared our concern with the deficiencies and shortcomings both in the delivery of service to offenders and the management direction provided. The Administrative Office agreed that there is substantial room for improvement and noted a series of actions it is taking or will take to implement our recommendations. (See app. II.)

The Administrative Office said it agreed wholeheartedly with our recommendation calling for the Administrative Office, in cooperation with the Parole Commission and the district probation officers, to review and revise present standards for supervision contacts. The Administrative Office said its Probation Division has asked the Federal Judicial Center to evaluate the various predictive devices in use in the Federal Probation System, and it has contacted the Parole Commission to reexamine supervision guidelines for persons on parole. In addition, it has modified the agenda for all training sessions to emphasize effective utilization of personnel and delivery of supervision services. Further, it has begun to develop a monograph on supervision which will define more complete standards for the performance of supervision responsibilities.

The Administrative Office said that our recommendation that probation offices improve their rehabilitation treatment programs is a desirable goal. It hopes to promote improvement through (1) the forthcoming publication of monographs on presentence investigation reports and supervision practices, (2) modification of training programs, and (3) redoubled efforts on its part to provide technical assistance and guidance to district probation offices. In addition, the Administrative Office said it will conduct an analysis of rehabilitation needs and submit a report of its findings to the Congress with a request for contract authority and funds to meet offender needs.

The Administrative Office said that the Probation Committee of the Judicial Conference, at its July 1977 meeting, considered and approved action on our recommendation that the Federal Probation System's research needs be assessed and that a listing be provided to the Federal Judicial Center with a request for specific projects to be undertaken.

We recommended that the Judicial Conference, through the Administrative Office, establish an adequate reporting system to provide information on the Probation System's effectiveness. The Administrative Office stated that the Probation Committee of the Judicial Conference endorses establishing a modern information system for the Probation System. The Administrative Office also said that the Probation Committee plans to work with it and the Federal Judicial Center to plan and develop such a system.

Regarding our recommendation that the Administrative Office provide technical assistance to aid district probation offices in developing and implementing supervision programs, the Administrative Office said the chief of the Division of Probation has been instructed to develop a plan to improve the delivery of technical assistance to field offices.

The Administrative Office stated that since our review was conducted in five metropolitan districts, the results were more representative of other metropolitan districts than the system as a whole and that the statistical likelihood of violation was higher for our sample than the national average.

We agree that the five districts reviewed may not be a statistically valid representation of the system as a whole, but they do represent a geographical cross section of the Federal Probation System, and account for about 17 percent of the offenders under supervision. The need for improvement was clearly demonstrated by the results of our review, a conclusion which the Administrative Office has endorsed by its substantive actions on our recommendations.

The Administrative Office requested that we present separate reports of the difficulties which occurred during the supervision period and during the followup period. The Administrative Office requested this data because of a study made by its Western Washington probation district which showed that 43 percent of the cases in that district cited as having "difficulties" had them during the followup period.

We do not believe that separate reports on each district would be useful to the Administrative Office since our samples were not drawn on a basis which would allow us to make projections on an individual district's success and failure rate. We do disagree, however, that 43 percent of the Western District of Washington's sample cases experienced their difficulties after they left supervision.

The sample we drew at Western Washington showed that 51 offenders (about 55 percent) successfully adjusted back into society while 42 offenders (about 45 percent) did not. Of the 42 offenders not successfully adjusting, 11 (about 26 percent) were revoked; 16 (about 38 percent) received additional sentences of 60 days or more during their supervision period but were not revoked; 1 offender received an additional 60-day sentence during the followup period; and 12 offenders (about 29 percent) had been convicted of new offenses and received sentences of less than 60 days or were wanted for new violations. The remaining two offenders had been placed back on supervision and were still active at the time of our review. As the statistics for the 42 offenders who did not successfully adjust to society show, 27 offenders (about 64 percent) failed while they were under supervision. In addition, the samples drawn at the other four districts reviewed disclosed a similar trend.

### U.S. PAROLE COMMISSION

The Parole Commission stated that it believes our report contains observations and recommendations for significant improvement in the management of Federal probation and parole activities. It agreed that supervision guidelines should be reevaluated and a thorough study should be made to assess, both from a legal and practical standpoint, whether search and seizure authority should be given to probation officers. The Parole Commission also said it has developed and implemented a set of guidelines for warrant issuance to be used by its regional parole commissioners. (See app. III.)

The Parole Commission said that there is no benefit to be gained in combining the success-failure rate for offenders. The Parole Commission said that we could have presented success-rate statistics in a more meaningful manner had we paid stricter attention to the categories of persons supervised. The Parole Commission believes that there are significant differences among success rates for probationers, parolees, and individuals who are eventually released early by operation of "good time statutes." The Commission stated that there is absolutely no benefit to be gained in combining poor-risk mandatory releases (who never qualified for parole) with parolees.

We agree with the Parole Commission that this would have been a valid approach had our objective been to measure the success-failure rates for various types of release. As pointed out on page i of the digest, we were concerned with whether the Federal Probation System was achieving its

central goal of enhancing the safety of the community by providing adequate supervision and rehabilitation services to persons released. Because there are two types of offenders in the system--those placed in it by the courts and those placed in it by the executive branch--we segregated our data by these two categories so that each branch of Government could see how successful the system was in supervising those offenders it released.

The statistics in chapter 2 provide some insight into how well offenders were adjusting to society. They are not intended to assist the Parole Commission in doing its job of monitoring its offenders to determine success. The high percentage of offenders paroled who are subsequently convicted of another crime does show that more must be done either in the supervision or rehabilitation aspect, or the decision to release aspect, or both.

The Parole Commission said that the tone of the report seems to indicate that it should rush in with a warrant every time an alleged parole violator is released by the courts into the community. The Commission cited the following reasons as to why it would not immediately issue a warrant:

- A decision to await further disposition of a pending charge of criminal behavior.
- A decision to await further report of attempts by a probation officer to work out an alternative plan for supervision (in lieu of a warrant).
- A decision to delay the warrant since the releasee had already been sentenced to confinement and staff time should be used first in preparing warrants on cases where speed is more necessary.

The Commission said that in regard to the first of the above situations, the fact that a parolee may be (or has been) released on bond by local courts pending disposition of new charges is not an automatic reason to trigger issuance of a Commission warrant. To release on bond is the responsibility of the court, said the Commission, and the Commission should not routinely react by substituting its own judgment for the court's.

Our position is not that the Parole Commission should rush in with a warrant every time an alleged parole violator is released by the courts into the community. Rather, it is,

as pointed out on pages 17 to 19 of the report, that when an alleged violator poses a danger to the community or when there is sufficient evidence to revoke parole in the absence of a court conviction, warrants should be issued promptly. This would help reduce the likelihood of situations occurring, such as those noted in the report on pages 18 and 19.

#### DEPARTMENT OF JUSTICE

The Justice Department generally concurred with the findings and recommendations contained in this report. (See app. IV.) It strongly supported the recommendations to increase emphasis on the rehabilitation and supervision of persons released from Federal prisons, to establish standardized procedures and specific definitions of responsibility where multiple agencies are involved, and to arrange cooperative meetings between the U.S Parole Commission, the Judicial Conference, and the Administrative Office of the U.S. Courts to improve management techniques.

The Department supported our recommendation that the Probation System develop a strong national centralized management system which would include technical assistance to field offices, minimum performance standards for field offices, and general management and program evaluation. The Department said it would be willing to offer its assistance in this effort in those areas where the Bureau of Prisons interfaces with the courts and the Probation System.

The Department also supported our recommendation that the Administrative Office submit to the Congress a request for the contracting authority and funding to meet offender needs in the community. To insure that resources and efforts are not duplicative or wasteful, the Department suggested that the Administrative Office should determine what services and resources are already available for rehabilitation programs through other Federal organizations. Furthermore, the Department said that if the Administrative Office is granted contracting authority, it should coordinate the negotiation and renewal of contracts with other Federal criminal justice agencies who also contract with State and local organizations for services.

## CHAPTER 3

### SCOPE OF REVIEW

Our findings and conclusions are based on work at the Administrative Office of the U.S. Courts and headquarters offices of the U.S. Parole Commission and Bureau of Prisons. We reviewed probation and parole activities in the California Central, Illinois Northern, Georgia Northern, Washington, D.C., and Washington Western probation districts, which represent a geographical cross section of the Federal Probation System. We also performed limited work in four other district probation offices--California Southern, Indiana Northern, Maryland, and Washington Eastern. In addition, fieldwork also included visits to all five regional offices of the U.S. Parole Commission.

To determine the success of probation and parole, we randomly selected 491 cases (see the following chart) no longer under Federal supervision. The sample was selected from cases closed between January 1, 1973, and December 31, 1974. We used Federal Bureau of Investigation, State, and local crime information to determine which offenders were arrested and/or convicted of additional crimes between the date they began Federal probation or parole and June 1976. We are 95-percent confident that the failure rate stated on page 5 is accurate to within 4.7 percent.

To obtain an understanding of recent work by the Federal Probation System, we sampled 482 active cases (See the following chart, p. 45.) This second sample was drawn from all individuals on active probation or parole supervision on or about March 1, 1976, and whose probation or parole supervision began before September 1, 1975.

<u>Probation office</u>	<u>Universe case size</u>		<u>Sample case size</u> (note a)	
	<u>Closed</u>	<u>Active</u>	<u>Closed</u>	<u>Active</u>
California Central (Los Angeles)	4,184	3,626	103	103
Georgia Northern (Atlanta)	1,257	968	97	97
Illinois Northern (Chicago)	1,929	1,913	100	100
Washington, D.C.	1,925	2,116	98	89
Washington Western (Seattle)	<u>806</u>	<u>684</u>	<u>93</u>	<u>93</u>
Total	<u>10,101</u>	<u>9,307</u>	<u>491</u>	<u>482</u>

a/Included in the sample were all the various types of Federal probation and parole such as probation, magistrates probation, parole, and mandatory release.

We also reviewed 283 Parole Commission cases to determine such things as amount of contact between the Commission and probation officers, length of time for arrest warrants to be issued, timeliness of probation office and Parole Commission correspondence, and adequacy of delivery of needed services to parolees.

Discussions were held with judges, members of the U.S. Parole Commission, probation officials in district courts and the Administrative Office of the U.S. Courts, and officials of the Department of Justice. We also contacted various Government agencies and community service organizations.

Information was obtained through three questionnaires. These were sent to chief judges and chief probation officers at 91 U.S. court districts (excluding the 3 territorial court districts) and to 226 probation officers in the districts reviewed. The judges' questionnaire solicited responses on various probation issues such as management information, responsibility, and important needs. Eighty-eight judges replied. The questionnaire sent to CUSPOs requested information on how the districts operated, general management, and important needs. All 91 CUSPOs responded. Two hundred and twelve of 226 probation officers responded to the third questionnaire, which requested information on what they did, how they did it, cases, and important needs.



CHARACTERISTICS OF PROBATIONERS AND PAROLEES  
INCLUDED IN OUR SAMPLES

	<u>Sample</u>	
	<u>Closed</u>	<u>Active</u>
Age		
20 or less	63	51
21 to 30	249	239
31 to 40	102	118
Over 40	75	73
Unknown	2	1
Sex		
Male	417	414
Female	74	68
Race		
White	269	227
Black	195	212
Spanish speaking	14	30
Oriental	2	3
American Indian	9	8
Other	0	2
Unknown	2	0
Marital status		
Married	206	178
Common law	16	20
Divorced	55	48
Single	161	186
Widowed	2	12
Separated	45	33
Unknown	6	5
Prior record (convictions)		
None	175	165
1	101	96
2	55	59
3	39	39
4	35	35
5 or more	70	85
Unknown	16	3

	Sample	
	<u>Closed</u>	<u>Active</u>
Federal crime committed resulting in placement on supervision		
Assault or attempted assassination	5	6
Burglary, larceny, nonbank robbery	1	7
Bank robbery	19	52
Conspiracy	12	23
Counterfeiting	13	18
Crime on a Government reservation (Indian, military, etc.)	9	20
Customs, immigration, or smuggling (nonnarcotic) offense	13	6
Destruction of Government property	4	4
Election law violation	0	2
Embezzlement or fraud	26	30
Escape, fugitive from justice, bailjumping	13	5
Extortion, blackmail, kidnapping, bribery, perjury	2	7
Firearm law violation	10	13
Forgery	22	35
Organized crime (gambling)	2	2
Homicide, murder, manslaughter, assassination	0	3
Income tax law violation	5	7
Interstate transport of stolen motor vehicle	35	13
Interstate transport of forged security	14	5
Theft from interstate shipment or other transport violations	16	15
Liquor law violation	22	6
Possession or sale of narcotics	43	103
Smuggling or importation of narcotics	33	18
Postal law violation	79	70
Selective service violation	27	5
Wiretapping or other communication violation	3	1
Probation or parole violation	18	21
All other Federal violations	90	70

	Sample	
	<u>Closed</u>	<u>Active</u>
Highest education level attained		
College graduate	21	10
Some college	85	64
High school graduate	152	147
Grades 9 to 11	155	182
Grades 1 to 8	69	75
Unknown	9	4
Job status at beginning of supervision		
Unemployed	147	161
Employed	293	285
Unknown	16	1
Retired	4	3
Student	31	32
Job status at end of supervision		
Unemployed	129	140
Employed	297	303
Unknown	39	9
Retired	5	3
Student	21	27

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTSSUPREME COURT BUILDING  
WASHINGTON, D.C. 20544ROWLAND F. KIRKS  
DIRECTORWILLIAM E. FOLEY  
DEPUTY DIRECTOR

September 14, 1977

Mr. Victor L. Lowe  
Director, General  
Government Division  
United States General  
Accounting Office  
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report of the General Accounting Office survey of the Federal Probation System.

The survey focused on two general areas--how effectively Federal probation officers are providing supervision and rehabilitation treatment to offenders on probation and parole and the management of the system. The report notes a number of deficiencies and shortcomings both in the delivery of service to offenders and the management and direction provided by the Administrative Office. I share your concern with the deficiencies found and agree that there is substantial room for improvement in both areas.

In response to your invitation for comments I shall discuss the issues in the order in which they appear in the draft report. However, first there are several general comments I would like to make.

A large part of the survey relied on an examination of probation and parole cases that were closed during the period, January 1973 through December 1974, and an 18-month followup period subsequent to termination of supervision of those cases. Since an average period of supervision is at least 2 years, the survey covered the activities of cases that came under supervision in 1971 and followed them through June of 1976. To put the findings of the survey in context it is important that there be a statement of the workload of the Federal Probation System during that period--namely, 1971-1976. The following tables represent the major indices of probation workload. Table I reflects the number of persons received for supervision, by type of supervision, during fiscal years 1971-1976.

Table I.--Persons Received by Type of Supervision

<u>Fiscal Year</u>	<u>Court Probation</u> <sup>1/</sup>	<u>Parole</u>	<u>Mandatory Release</u>	<u>Military Parole</u>	<u>Deferred Prosecution</u>	<u>Total</u>
1971	15,921	5,051	2,831	208	566	24,577
1972	19,752	5,264	2,758	115	703	28,592
1973	21,362	5,838	2,577	162	689	30,628
1974	22,803	6,299	2,398	183	977	32,660
1975	23,549	8,761	2,408	200	1,143	36,061
1976	23,733	7,491 <sup>2/</sup>	1,935	232	1,711	35,102

<sup>1/</sup> Includes persons placed on probation by United States Magistrates.

<sup>2/</sup> Includes 1,205 special parole cases.

Table II is a presentation of the number of persons under supervision by type of supervision at the close of each fiscal year, 1971 through 1976.

Table II.--Persons Under Supervision by Type of Supervision

<u>Fiscal Year</u>	<u>Court Probation</u> <sup>1/</sup>	<u>Parole</u>	<u>Mandatory Release</u>	<u>Military Parole</u>	<u>Deferred Prosecution</u>	<u>Total</u>
1971	30,608	9,055	2,012	227	647	42,549
1972	35,999	10,029	2,047	181	767	49,023
1973	40,504	10,877	1,955	224	786	54,346
1974	43,990	12,377	1,916	269	1,063	59,615
1975	45,662	15,284	1,754	302	1,259	64,261
1976	45,272	15,520 <sup>2/</sup>	1,352	339	1,763	64,246

<sup>1/</sup> Includes persons placed on probation by United States Magistrates.

<sup>2/</sup> Includes 1,430 special parole cases.

Table III reflects the total number of investigative reports prepared by probation officers during fiscal years 1971 through 1976.

Table III.--Investigative Reports

<u>Type of Investigation</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>
Presentence Investigation...	23,479	27,558	29,736	29,492	31,740	32,193
Limited Presentence Investigation.....	2,159	2,118	1,915	1,943	2,202	2,255
Collateral Investigation for Another District.....	8,057	8,343	8,470	9,203	11,932	14,526
Preliminary Investigation To Assist U.S. Attorney in Juvenile Cases.....	503	527	632	862	953	1,645
Postsentence Investigation for Institution.....	281	426	553	658	650	746
Pretransfer Investigation... Alleged Violation Investigation (Probation and Parole).....	6,343	7,231	7,650	8,603	9,870	10,583
6,053	5,790	5,895	6,630	8,581	10,351	
Prerelease Investigation for a Federal or Military Institution.....	6,116	6,490	6,780	6,965	8,805	7,112
Special Investigation Regarding a Prisoner in Confinement.....	1,920	2,348	2,921	4,628	6,010	5,085
Furlough and Work-Release Reports for Bureau of Prisons Institutions....	320	444	556	1,140	2,770	3,175
Parole Supervision Reports..	4,920	5,067	5,187	5,895	7,030	12,931
Parole Revocation Hearing Reports .....	<u>1,346</u>	<u>1,265</u>	<u>965</u>	<u>1,127</u>	<u>1,320</u>	<u>1,732</u>
Total.....	61,497	67,607	71,260	77,146	91,863	102,334

Table IV presents the average number of supervision cases per probation officer exclusive of chief probation officer positions and officers required for the preparation of presentence investigation reports.

Table IV.--Investigative and Supervisory Workload

Fiscal Year	Probation Officer Positions <sup>1/</sup>	Presentence Inv.	Officers Required for PSI <sup>2/</sup>	Officers Available for Supervision	Supervision Cases	Average Supervision Cases per Officer
1971	522	23,479	183	339	42,549	126
1972	549	27,558	215	334	49,023	147
1973	717	29,736	232	485	54,346	112
1974	1,057	29,492	230	827	59,615	72
1975	1,377	31,740	248	1,129	64,261	57
1976	1,452	32,193	252	1,200	64,246	54

<sup>1/</sup> Excludes 91 chief probation officer positions (90 in 1971).

<sup>2/</sup> Based on data obtained from time studies conducted by Federal Judicial Center in 1973 and 1975, assumes completion of 128 presentence investigation reports and proportionate share of other investigative reports.

It is important that the reader of the final report know something about the workload of the system when he reads that supervision and rehabilitation services were limited. For the first 3 years of the period covered by the survey the supervision caseloads were in excess of 100 per officer with a peak of 147 per officer in 1972. The standard now being applied is a caseload of 50 supervision cases per officer. Additional probation officer positions have been authorized in the last 3 years for the specific purpose of allowing more time for supervision and improving supervision practices.

Although it is indicated in the report I want to emphasize that since the survey was conducted in five metropolitan offices, the results are more representative of other metropolitan offices than the system as a whole. The persons in this sample were more likely to be parolees, members of a minority group, and have a prior criminal record. They were subject to the social problems that face persons living in the larger metropolitan areas such as high unemployment rates, poor housing, and lack of adequate social services. In short, the statistical likelihood of violation of the conditions of release was higher for this sample than the national average.

The report should contain a statement of probation's place in the criminal justice system within our society. Probation is more than an alternative to incarceration and its success or failure cannot be arbitrarily established on the basis of rearrest rates. It is a correctional approach to the offender, as opposed to the purely punitive approach. It maintains the unity of society by holding families together and strengthening the individual's concept of social responsibility and attempts to bring all of the community resources to bear on the offender's problem.

Probation (and parole) does not exist as an independent system which is solely responsible for the "success or failure" of the offenders that come into

Page 5

contact with it. Offenders come into the system as failures having been convicted of criminal violations. They bring with them a varying degree of social problems and it is not surprising that many of them experience further difficulty while in the system or after having left it. It should be remembered that probationers and parolees do not come into the supervisory relationship voluntarily nor does the probation officer have the final decision of who is selected for supervision.

The report contains a number of statements I now address in the order in which they appear.

At page 6 the report states that statistics on the numbers of probationers and parolees who comply with the terms of their release are not compiled. Such statistics are in fact compiled and published by the Administrative Office. It is correct that the statistics need to be upgraded substantially but there are in fact such statistics.

Also at page 6 the report indicates that "one out of every two offenders released on probation or parole had difficulty in complying with the conditions of his release." I ask that this statement be amended to reflect the actual percentages of outcome noted. There should be a statement at this point that the survey included an 18-month period of followup beyond termination of supervision. Therefore, the findings relate to events that occurred during the period of supervision and 18 months thereafter. The probation office in the Western District of Washington has reported to me that 43 percent of the cases in that district cited as having "difficulties" in the survey had their "difficulties" during the followup period. I do not know if that experience is representative of all cases surveyed and therefore I ask that you present separate reports of the difficulties that occurred during the period of supervision and during the 18-month followup period.

At page 7 the report refers to cases that "failed." I suggest that the report clearly identify the difference between "had difficulties" and "failed," since it is apparent that the term "failed" includes the 12 percent who were revoked and the additional 20 percent who were convicted and sentenced to a term of 60 days or more or absconded from supervision. With regard to the 20 percent who received additional sentences of 60 days or more or fled supervision and were not revoked it should be stated that the decision to revoke or not revoke is a responsibility that rests with the courts in probation cases or the Parole Commission in parole cases. Those who failed to satisfactorily complete their supervision period or remain free from further criminal behavior during the followup period are indeed failures. Case failure does not mean necessarily that the system failed.

At page 8 the report shows a table of the arrests and convictions during the supervision period. The description should be modified to reflect that this includes the 18-month followup period. I suggest deleting the arrest data since conviction is the only valid measure. Finally, this table combines the convictions of probationers and parolees. I ask that you present this information separately



and that the table be expanded to indicate the types of offenses resulting in conviction. This is important for several reasons. First, the sample contains a disproportionate number of persons on parole when compared to the national figure of approximately 25 percent. We know that parolees have a statistically higher rate of new arrests and convictions. Second, the reader should be able to judge for himself the level of risk to society the conviction posed.

At page 9 the report states that the "45 percent of the offenders who had difficulty in completing their probation and parole raises a serious question as to the Federal Probation System's ability to help offenders make a positive adjustment in the community while protecting society." That is a valid concern and one that I share, but, what percent of those who "had difficulty" posed a threat to society and what would have been the alternative to placing them or retaining them on probation or parole? Of the 45 percent, 12 percent were revoked during the period of supervision by the courts or the Parole Commission, which had considered the reported conduct and determined that continuation on probation or parole would not be appropriate. The remaining 33 percent had been dealt with or were in the process of being dealt with in the local courts (except for the unstated number of absconders). In those cases where the conviction occurred during the period of supervision the system had exercised the judgment that those persons should be permitted to remain in a probation or parole status. Where the conviction occurred during the followup period there was no decision to be made.

Chapter 3 addresses the need for greater emphasis on frequency of supervision contacts with offenders on probation and parole and the extent to which special conditions of probation or parole are completed by offenders. At page 10 the report reflects that the frequency of supervision contacts with offenders terminated from supervision in 1973 and 1974 were well below standards established by the Administrative Office. As indicated earlier, this sample included a mix of probation and parole cases, the majority of whom came under supervision in 1971. Standards for caseload classification and supervision contacts were not issued until 1971. Those standards were established by the paroling authority, then the United States Board of Parole, working in conjunction with probation officers and staff of the Probation Division of the Administrative Office. The standards were goals to be implemented in parole cases when sufficient personnel became available. In 1971 the average supervision caseload as indicated in Table III was 126 cases per officer. In 1972 it peaked at 147 per officer. The caseload thereafter declined as additional officers were authorized by the Congress in fiscal years 1973 through 1975. The standards were not adopted for application to probation cases, the other 75 percent of the supervision load, until September 1974. The standards constitute a reasonable level of expectation given the staff and workload that currently exists. We take no exception to use of these standards for assessing the frequency of contact with persons under supervision in the closed case sample. However, the report should clearly indicate that the standards were not requirements until late 1974.

Page 13 presents two tables--one reflecting the percentage of completion of special conditions, by judicial district, and the other reflecting the percentage of completed special conditions, by nature of condition. Addressing

Page 7

the latter I note that the frequency of completion of direct performance type of special conditions--payment of fines and restitution and performance of community service--have a high rate of completion whereas treatment type conditions such as those requiring treatment for drug and alcohol abuse are completed at a lesser rate. The table which reports on the frequency of completion by judicial district would be more meaningful if it reflected the type of conditions imposed in the respective districts.

Pages 13 and 14 indicate that supervision responsibilities take a back seat to administrative responsibilities and cite the findings of probation time studies conducted in 1973 and 1975. We agree that every effort should be made to increase the amount of time spent in supervision activities. However, all time spent in nonsupervisory activity is not administrative in nature. In the 1975 study, for example, 25 percent of the time spent was in the preparation of investigative reports.

On page 15 the report states that the Administrative Office has taken no action as a result of its latest time study to insure that probation officers improve the frequency of contacts with offenders. This statement illustrates a shortcoming which appears at several places in the draft report. The report gives no credit for the extensive training program conducted for probation officers by the Federal Judicial Center, the United States Probation Officers Manual, the numerous bulletins, memoranda, forms, and standard procedures which issue from our office, the role of the regional probation administrators in the Probation Division, or the annual meetings held by the Probation Division with all chief probation officers in the system. Since the manual of procedures for probation officers was first published by the Administrative Office in November 1949 it has carried instructions relating to the classification of cases on the basis of their need for supervision and further instructions setting forth general standards for delivery of supervisory services to persons on probation and parole.

Chapter 4 relates principally to the policies of the United States Parole Commission. I understand that the Parole Commission will respond in detail to the issues raised. Therefore, I shall limit my comments accordingly.

(See GAO note p. 74.)

(See GAO note p. 74.)

Chapter 5 cites the need for improvement in the identification of the needs of offenders, referral for appropriate treatment, and followup to insure proper delivery of services. The report notes an improvement in the active case sample over the closed case sample.

Probation officers should focus their professional attention on the identification and referral for treatment of needs demonstrated by offenders. However, their principal responsibility is to identify and arrange for treatment of those needs which affect behavior and which might pose a risk to society if allowed to remain untreated. For this reason not all of the "needs" will be met or for that matter even addressed.

Starting at page 34 the report points to limited use of rehabilitation plans which are defined at page 35 as plans which include "a statement of needs, goals, and timeframes for delivery of needed services." Under current recommendations of Publication 103 and Chapter 4 of the U.S. Probation Officers Manual, both presentence investigation reports and opening case summaries should contain proposed treatment plans. In neither instance do these recommendations cover all the requirements set forth in your definition. You have identified a significant problem and both the forthcoming Publication 105, The Presentence Investigation Report, and planned Publication 106, The Supervision Monograph, will address this issue in detail. Please modify the first sentence of the second paragraph on page 34 by removing the words "attempting to." To say that probation officers are not attempting to comprehensively address the problems of rehabilitation is an overstatement of the point.

Chapter 6 cites the Administrative Office for failure to establish the following: Goals and standards for supervision; a means to evaluate the system's effectiveness; a reporting system to evaluate office performance; and failure to provide adequate technical assistance to help districts solve problems. As a result the report finds the Administrative Office is unable to identify weaknesses within the system and take corrective action, the Judicial Conference does not have the information it needs to set policy, and the Parole Commission does not have a means for assessing the probation system's performance in supervising persons on parole.

I shall address these comments in turn. The system has established goals for supervision and they are set forth in the U.S. Probation Officers Manual. However, they do not lend themselves to empirical review and analysis. We recognize the need for improved standards and propose to develop and incorporate them in the forthcoming monograph on supervision. We do lack a systematic process

Page 9

for evaluating the field operation's effectiveness. I have commented previously in regard to the lack of detailed information about the basic goal of the system--the success of persons under supervision. While we do report on removals from supervision, we cannot report on case outcome with the same degree of precision reported by GAO after their case file review. The reporting system now in use provides limited information at best. Work is now underway to develop an improved reporting system.

The criticism that these deficiencies result in complete lack of ability in the Administrative Office, the Judicial Conference, or the Parole Commission to perform their responsibilities with regard to the probation system is overdrawn. However, improvements in these areas would enhance the ability of these organizations to carry out their duties and responsibilities.

(See GAO note p. 74.)

Finally I ask that the description of the scope of the review at page 54 clearly indicate that (1) the study included a followup period of 18 months, and (2) "failure rate" as used here is synonymous with the statement "had difficulties" on page 6.

Page 10

I ask that where you agree with the recommended changes, that the digest and cover summary be amended accordingly.

At this point I shall address each of the recommendations in the order in which they appear in your report.

Starting at page 19 you recommend that the Administrative Office in cooperation with the Parole Commission and field probation offices review the present standards for supervision contacts, secure agreement on the minimum contact standards for various risk levels, adopt procedures for meeting these standards, and adopt techniques which improve the efficiency of supervision. We concur wholeheartedly in this recommendation. The Probation Division has asked the Federal Judicial Center to evaluate the various predictive devices in use in the Federal Probation System, and initial contact has been made with the Parole Commission to reexamine the guidelines for persons on parole. The agenda for all training sessions have been modified to emphasize effective utilization of personnel and delivery of supervision services. Further, we have initiated development of a monograph on supervision which will set more complete standards for the performance of supervision responsibilities.

(See GAO note p. 74.)

At page 41 you recommend that probation offices improve their rehabilitation treatment programs by providing rehabilitation plans, referral of offenders to needed services, and followup to see if such services are received. This is a desirable goal and one which we hope to promote through the forthcoming publication of monographs on presentence investigation reports and supervision practices, modification of training programs, and redoubled efforts on the part of the regional probation administrators to provide technical assistance and guidance to the field offices.

Also at page 41 you recommend that the Administrative Office conduct an analysis of rehabilitation needs and submit a report of its findings to Congress with a request for contract authority and funds to meet offender needs. I shall instruct the Probation Division to conduct the survey you recommend. In recent testimony before the Senate, the Judicial Conference Committee on the Administration of the Probation System recommended that Congress provide this office with authority to contract for supportive and rehabilitative services that are not otherwise available in the community. At its July 1977 meeting the Probation Committee considered this specific recommendation and reaffirmed its approval.

At page 49 you recommend that the system assess research needs and provide a listing of priorities to the Federal Judicial Center with a request

Page 11

that it conduct the specific projects. This recommendation was considered by the Probation Committee at its July 1977 meeting and approved.

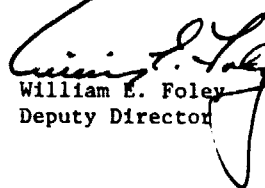
At page 52 you recommend that the Judicial Conference, through the Administrative Office, establish Probation System goals and responsibilities and devise an adequate reporting system to provide information needed to evaluate the effectiveness of the system. The Probation Committee has considered these recommendations and agreed to recommend that the Judicial Conference endorse the need for a modern information system that would enhance management of the probation system within statutory limitations. The Probation Committee has indicated its intention to work with the Administrative Office and the Federal Judicial Center to plan and develop such a system.

Also at page 52 you recommend that the Administrative Office provide technical assistance to aid field offices in developing and implementing supervision programs. I have instructed the chief of the Division of Probation to develop a plan to improve the delivery of technical assistance to field offices.

(See GAO note p. 74.)

I appreciate having had the opportunity to comment on this report. If I may be of any further help please let me know.

Sincerely yours,



William E. Foley  
Deputy Director

UNITED STATES GOVERNMENT

## memorandum

*C. Crawford*

DATE: July 29, 1977

REPLY TO  
ATTN OF: Curtis C. Crawford, Acting Chairman  
U.S. Parole Commission

SUBJECT: GAO Report on the Federal Probation System

TO: Victor L. Lowe, Director  
U. S. General Accounting Office  
Washington, D. C. 20548

The United States Parole Commission has been furnished a copy of the draft of the proposed report concerning the management of the Federal probation and parole activities. We have studied this draft carefully and believe it contains observations and recommendations for significant improvement, but at the same time contains some errors in interpretation of the facts. In several areas covered the material seems to be grossly one-sided in presentation and I suggest a more balanced report which shows the facts on both sides of a question.

Basically, what I recommend is a re-write of much of this report in a more scholarly and scientific matter as opposed to what now appears to be a rather editorially orientated treatise designed to criticize and over-emphasize one point of view without presenting the legal and practical constraints which form the basis of the policies of the Parole Commission. Further, I suggest that the statistics should be presented in a manner to give a more accurate and complete picture of the facts, rather than as they are used here to support a conviction apparently previously arrived at by the writers of the draft.

In this response to the draft report I will not comment on the discussion of the statement that "offenders are not being provided rehabilitation services" or the "need to better monitor and evaluate the probation system" as set forth in chapters 5 and 6. These matters, doubtless, will be commented on at length by the Probation Division. I will, however, comment on the following areas and offer some suggestions for improvement in the report as now drafted:

1. Success of releasees, with special regard to parolees and mandatory releasees;
2. Use of supervision guidelines for parolees, and the number of contacts with releasees;
3. Special conditions imposed on releasees;
4. Issuance of parole violation warrants, with special emphasis on guidelines for issuance and the time periods involved;



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5. Lack of authority for probation officers  
to search and seize evidence,

(See GAO note p. 74.)

#### SUCCESS OF RELEASEES

To begin with, a basic assumption that "the fewer reported violations the better the supervision" is highly arguable. Some point out that with lax supervision the "apparent" success rate is higher. Conversely, an energetic supervision pattern will turn up problems and minor violations which can be dealt with before they eventually result in major criminal behavior but which will result in an "apparent" lower success rate. Thus, there should not be an undue emphasis on "a good record" to the point where minor infractions are overlooked for the sake of statistics.

Discounting the above observation, we must be careful to present our statistics in a meaningful manner, paying strict attention to the categories of persons we are counting. There are significant differences between the success rates of persons selected by the courts as not needing confinement at all (and thus put on probation); persons needing confinement but meriting an opportunity on parole; and the remainder of the persons who not only need confinement but are deemed to be such poor risks in the community that they are not paroled at all, but rather are eventually "mandatorily released" by operation of "good time statutes." There is absolutely no benefit to be gained in combining a "success-failure" rate of more than one of these widely divergent types into one statistical conclusion. Yet that is precisely what occurs on page 7 of the draft report. While the authors do make a distinction between probationers and parolees, they obviously lumped in all the poor risk mandatory releasees (who never qualified for parole in the first place) with the parolees (see page 55 also). The Commission historically has pointed out the higher recidivism rate of mandatory releasees, but this draft report does not take this fact into account.

Further, the definition of success and failure as used in the report is confusing. The following questions come to mind which need to be spelled out on page 7:

- a. The statistics used by the authors comprise the persons counted in five large metropolitan areas. Are these typical of the Nation as a whole?



(See GAO note p. 74.)

c. Parolees (and less so, probationers) are subject to being sentenced to short sentences by the very nature of their life styles. When such occurs but the Commission feels that they should be continued under community supervision rather than revoke parole, is that person a failure - yet?

(See GAO note p. 74.)

To be helpful, the following factual statistics are provided for whatever use might be made of them. These are the result of data gathering by the Parole Commission for the groups of federal prisoners released from confinement during the years 1970 and 1972. The figures showing the outcome of those two groups are based on a two year follow-up study. They are broken down into adult parolees, youth parolees and those who were released on mandatory release or expiration of the sentence (rather than by parole). The definition of favorable outcome (success) used here is (1) no new commitment of 60 days or more; (2) no warrant issued for absconding from supervision; (3) no return to confinement as a result of any type of release violation (technical or criminal); and (4) no death during commission of a criminal act.

ADULT PAROLEES

<u>Year</u>	<u>Percent favorable outcome</u>
1970	79.9
1972	86.1

- 3 -

YOUTH PAROLEES

<u>Year</u>	<u>Percent favorable outcome</u>
1970	65.1
1972	70.1

MANDATORY RELEASEES AND EXPIRATION OF SENTENCE (adult)

1970	68.8
1972	69.8

## USE OF SUPERVISION GUIDELINES

The report echoes an oft repeated theme that supervision of probationers and parolees does not fare well in contrast to the pressure of preparing Pre-sentence Investigation Reports for the courts. The Parole Commission has no basis to evaluate this but does observe that with the dramatic increase in the number of probation officers during the past few years it would seem that both supervision and pre-sentence investigation should have been improved. The report, in fact, reflects this.

Prior to the recent increases in probation officer staffs the Commission and the Probation Service met to formulate and adopt a set of Supervision Guidelines. At that time it was not possible to comply with them because of the small number of officers available. During the past two or three years the Guidelines should have universally been used. It is now time to evaluate the experience under those Guidelines and probably modify them in light of the actual field conditions.

The standards for number of contacts were formulated with the input of both field officers and the Administrative Office Staff Washington officials. Now, after a thorough testing, another task force should be organized to see how well they serve the cause of good supervision. Until new standards are developed probation officers should continue to comply with existing instructions. An office should not arbitrarily set up its own standards as reported in the draft, but instead lend its services to its headquarters office to attempt to revise the standards if that office disagrees with them.

Until new standards are adopted the Probation Division could

initiate some form of monitoring of the number of contacts according to classification of the level of supervision. One method would be to review the Parole Form F-3 which carries this information. A more accurate method, though, would be on-site review of probation officer's logs of contacts. This could be done on a sampling basis, and would be a more reliable method than merely relying on what the officer puts down on the Parole Form.

The several suggested techniques which might be used to improve supervision as set forth on page 18 of the draft report deserve the attention of the Probation Division. Most, if not all of them, have been considered in the past, and the Probation Division should have some helpful information concerning each of the suggested techniques.

#### SPECIAL CONDITIONS

The report is inadequate in its presentation of the extent to which specially imposed conditions are met. This is because the statistics do not differentiate between special conditions imposed against probationers as compared to those imposed against parolees and mandatory releasees. For instance, the Parole Commission does not impose a special condition that a fine be paid during the supervision period, thus, those cases must all relate to probationers. Likewise, restitution and "community service" is seldom imposed as a special condition by the Parole Commission. What is common to both probationers and parolees alike are special conditions relative to participation in drug or alcohol programs.

When the Parole Commission imposes a special condition relative to participation in a drug or alcohol program it ordinarily orders the releasee to cooperate "as instructed by the probation officer." Accordingly, the program often can be terminated at the discretion of the probation officer. For this reason, it is difficult to understand the meaning of the column heading entitled, "Not completed" as used in the tables on page 13 of the draft report. Clarification of this phrase is needed. Also, the language, ". . . 34 percent had not been fully or partially completed as of March, 1976." is not understood. Does that statement mean that with more time the conditions might well have been met. Data presented in this fashion has only marginal use.

Regardless of the foregoing, a probation officer is required to report to the Parole Commission any and all instances where a special condition is not being met by the parolee or mandatory releasee. At that point the Commission must make a decision whether to issue a violation warrant or to suggest that the probation officer attempt to

devise some alternate plan. It is presumed that the probation officers as a group are complying with this Commission policy. It would be disturbing to learn that they are ignoring the special conditions imposed by the Commission. On the contrary, it is believed that they are making an earnest attempt to have them fulfilled in every instance. The Commission has no knowledge in this regard insofar as probationers are concerned.

#### VIOLATION WARRANTS

(See GAO note p. 74.)

When a probation officer reports a violation he may, and should, recommend whether, in his opinion, the Commission should issue a warrant or whether he would like to work further with the client. His recommendation for a warrant may well come in the form of a "request," but he is not to wait until he feels that he must "request" a warrant before he reports a violation. Under this system, which has been in effect as long as there has been a central paroling authority, there should be no disparity in the methods used by probation officers in reporting violations.

Any disparity in the issuance of warrants would arise out of differing opinions and philosophies between the Regional Commissioners themselves. It is conceded that with a Regional system under which the Commission is now operating there are differences of philosophies between the persons making these decisions. The Regional Commissioner has sole authority to issue or refuse to issue a warrant once a violation has been reported to him. One of them might be cautious that the charges against the parolee can be proved with certainty, while another might lean in the direction of concern for public safety and issue a warrant which is not quite so defensible in a legal sense. Prior to regionalization

the Commission had a back-up system of requiring a second Member to review any case where the staff recommended a warrant and the first Member did not concur. Such a back-up system is not feasible where there is only one Member present in the Region. The only logical way to obviate this disparity would be to move all the prisoner files to the Commission's Headquarters Office in Washington, and have all post-release matters handled by the Members stationed there. Such a move might then lead to some further plan to augment the number of Commissioners at Headquarters. Obviously, this would require a great deal of discussion and certainly is not a short-term solution.

In the absence of any drastic move as described above, the Commissioners have discussed this problem at length and recently developed and adopted a set of guidelines for warrant issuance. These guidelines have been incorporated into the Commission's Procedure Manual. A copy is attached for reference. These guidelines now should be helping to increase the consistency in which violations of parole or mandatory release are handled by the individual Regional Commissioners.

#### Time frame used in issuing warrants

The draft report reflects an attitude occasionally held by some probation officers that whenever they report a parole violation a warrant should automatically be issued - and quickly! As explained earlier, it is the prerogative of the Commissioner, not the probation officer, to determine if and when a warrant is to be issued. The probation officer's sole duty is to report violations when they occur and to make his own recommendation relative to further disposition of the case.

The draft report contains statistics on the time lags between reporting of violations and the time when a warrant was issued. Although not specified, it is assumed that the time lags included allowance for mail deliveries. On an average approximately five days could be used up solely by mail delivery of the violation report and the return mailing of the warrant. Thus, five days should be deducted from the days set forth in the draft report. An exception occurs, of course, when an emergency situation arises and the violation report is obtained from a telephone call or a teletype message; and the warrant is issued almost immediately and notification relayed to the Marshal by teletype. This is not an infrequent occurrence, incidentally.

There are several reasons why a Regional Commissioner would not immediately issue a warrant upon receipt of a report of one or more violations. These include the following:

- a. a decision to await further disposition of a pending charge of criminal behavior;
- b. a decision to await further report of attempts by a probation officer to work out an alternative plan for supervision (in lieu of a warrant);
- c. a decision to delay the warrant since the releasee had already been sentenced to confinement and staff time should be used first in preparing warrants on cases where speed is more necessary.

With regard to the first of the above situations, the fact that a parolee may be (or has been) released on bond by local courts pending disposition of new charges is not an automatic reason to trigger issuance of a Commission warrant. To release on bond is the responsibility of the court, and the Commission should not routinely react by substituting its own judgement for the court's. The tone of the draft report seems to indicate that the Commission should rush in with a warrant everytime an alleged violator is released by the court to the community. Exceptions do occur when the Commission determines that the alleged violator is a danger to the community and when it has sufficient evidence to revoke parole even in the absence of a court conviction. When these two situations are not present, however, it is a bit risky, legally, to take a person into custody solely in the expectation that the court will eventually find the individual guilty of a law violation.

Prior to regionalization and when the Commission was understaffed with post-release personnel there sometimes were delays in issuing warrants simply because of the size of the workload. This is not a problem at present, and since regionalization, this complaint is seldom heard. It was surprising to see it crop up in the draft report. One wonders if the probation officers who mentioned this problem are speaking more out of their memories of days long ago than out of their more recent experiences with regional post-release staffs and regional commissioners.

The table on page 24 of the report should not include, in my opinion, the second line which shows "longest elapsed time" since only one very exceptional case could cause a biased and unfair impression. When only the first line, "Average days" is examined, there does not seem to be an undue delay, when one takes into account time for mail deliveries and the fact that many warrants do not need to be

issued immediately, as explained earlier. For sometime now there have been no backlog problems in the regions and warrants have been issued when appropriate according to the facts of each case.

#### SEARCHES AND SEIZURE

The draft report correctly states that "probation officers are limited to investigating and obtaining documentary evidence on parole violations, communicating this information to the regional parole commissioners, and requesting warrants before any enforcement action can be taken." This has been the policy of the Parole Commission since its inception in 1930; this is the requirement of the parole statutes; and this is the way the Commission feels it should remain.

(See GAO note p. 74.)

(See GAO note p. 74.)

#### Search and Seizure

The bar against authority for a probation officer to search a parolee's person or residence is Commission policy. It was adopted to protect the individual's legal rights. It is disturbing to read in the draft report that one Regional Commissioner "has, in fact, delegated authority for seizure of evidence to all probation officers in his region." (see page 29)

It seems apparent that the Commission should now make a thorough study, both from a legal and a practical standpoint, whether its present policy is correct or might be modified. Until such study is completed I will take no position on this matter.

#### CONCLUSION

It is believed that the draft report should be re-written to incorporate the observations made herein, as well as take into account any observations to be submitted by the Probation Division. If this is



done, the Digest portion, will, of course, have to be redone. The "Scope of Review" (Chapter 7) would also require modification.

(See GAO note p. 74.)

## APPENDIX 9

## CRITERIA FOR WARRANT ISSUANCE

Definition of Warrant: A parole or mandatory release warrant is defined as an order signed on behalf of the Commission directing the appropriate official to arrest and hold in custody the alleged parole or mandatory release violator named therein.

1. A warrant may be issued for violation of any general or special condition of parole.
2. A warrant shall be issued in cases which there is a new criminal conviction (other than for a minor offense), unless the Regional Commissioner finds good cause for non-issuance of the warrant, and states his reasons therefor in writing.
3. A warrant should be issued when the parolee's continuance on parole is incompatible with the welfare of society or promotes disrespect for the parole system. Specific acts in violation of parole must be stated and documented as to time, place and circumstances of the alleged violation.
4. A warrant may be issued for "treatment" in the absence of a violation of release conditions in NARA and YCA commitment cases only, but not other types of cases.
5. A warrant should be issued in accordance with the criteria contained herein, and not merely to substitute for local prosecution or to facilitate detention pending such prosecution.



## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

SEP 1977

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

Mr. Victor L. Lowe  
Director  
General Government Division  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "The Management of Federal Probation and Parole Activities Needs Improvement."

We have reviewed the draft report and generally concur with the findings and recommendations. The recommendations to increase emphasis on the rehabilitation and supervision of persons released from Federal prisons, to establish standardized procedures and specific definitions of responsibility where multiple agencies are involved, and to arrange cooperative meetings between the U.S. Parole Commission, the Judicial Conference, and the Administrative Office of the U.S. Courts to improve management techniques are strongly supported by the Department. We offer the following comments for your consideration with regard to several issues raised in the report.

The report concludes, on page 40, that rehabilitation programs of district probation offices need improvement in the use of rehabilitation plans, in the number of offenders referred for treatment of their needs, and in followup to see that treatment is completed. The report emphasizes the important role United States Probation Officers (USPO) have in developing programs to improve the treatment of probationers and parolees, providing access to community service groups, and making supervisory contacts by phone or in person to determine the offender's present attitude, activities, and problems. The report should also mention that coordinated efforts between the Bureau of Prisons (BOP) institutional staff and the United States Probation Officers (USPO) is extremely important in providing soon-to-be released offenders with adequate release plans. The BOP staff and USPOs should work cooperatively to insure program



- 2 -

continuity for individual participants after release and develop meaningful and complementary community program opportunities for their clientele. In developing cooperative plans, particular attention should be given to designing plans which are suitable to the individual's needs and interests, and, to the extent possible, consistent with the vocational training received while in the institution.

The Department supports the recommendation that the Administrative Office of the United States Courts (AOUSC) submit to Congress a request for the contracting, authority, and funding to meet offender needs in the community. To ensure that resources and efforts are not duplicative or wasteful, we suggest the AOUSC should determine what services and resources are already available for rehabilitation programs through other Federal organizations. Furthermore, if granted contracting authority, AOUSC should be advised to coordinate the negotiation and renewal of contracts with other Federal criminal justice agencies who also contract with State and local organizations for services.

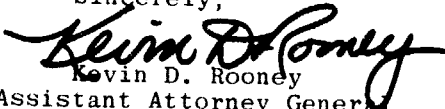
The Department concurs in the recommendation that the Probation Service should develop a strong national centralized management system which would include technical assistance to field offices, minimum performance standards for field offices, and general management and program evaluation. In developing such a system, we believe consideration should be given to the possible benefits to be derived through a coordinated reporting system with agencies such as BOP and the U.S. Marshals Service in areas where the activities of one impact upon the other. In areas where common data bases, goals, and standards exist, information sharing among criminal justice agencies would be greatly facilitated. BOP would willingly offer their assistance in this effort in those areas where BOP interfaces with the Courts and the Probation Service.

In discussing a Department of Justice report entitled An Evaluation of the U.S. Board of Parole Reorganization, page 23 of the report states that "The study has been completed, but final recommendations had not been proposed to the Parole Commission as of May 1977." We would like to point out that the recommendations included in the study were shared with the Parole Commission at the time of the study's publication and release in December 1975.

- 3 -

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions please feel free to contact us.

Sincerely,

  
Kevin D. Rooney  
Assistant Attorney General  
for Administration

GAO note: Deleted comments refer to material contained in our draft report which has not been included in the final report. Page references in appendixes II-IV refer to our draft report and may not correspond to this final report.

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